

AMENDED IN ASSEMBLY SEPTEMBER 8, 2015

AMENDED IN ASSEMBLY SEPTEMBER 1, 2015

AMENDED IN ASSEMBLY JULY 9, 2015

AMENDED IN SENATE JUNE 2, 2015

**SENATE BILL**

**No. 794**

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**Introduced by Committee on Human Services (Senators McGuire  
(Chair), Berryhill, Hancock, Liu, and Nguyen)**

March 3, 2015

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An act to amend Section 7950 of the Family Code, to add Section 1522.44 to the Health and Safety Code, to amend Sections 11165.1 and 11166 of the Penal Code, and to amend Sections 309, 362.04, 362.05, 362.1, 366, 366.21, 366.22, 366.25, 366.26, 366.3, 366.31, 706.5, 706.6, 727.2, 727.3, 10618.6, 11386, 16002, 16003, 16118, 16131, 16131.5, 16501, and 16501.1 of, and to add Sections ~~16501.4~~, 16501.35, 16501.45, and 16519.51 to, the Welfare and Institutions Code, relating to child welfare.

LEGISLATIVE COUNSEL'S DIGEST

SB 794, as amended, Committee on Human Services. Child welfare services.

(1) Existing law establishes a system of statewide child welfare services, administered by the State Department of Social Services and county child welfare agencies, with the intent that all children are entitled to be safe and free from abuse and neglect.

This bill would require county child welfare agencies and probation departments, by September 29, 2016, to implement policies and procedures to identify, document, and determine appropriate services for children and youth who are receiving child welfare services pursuant

to federal law and are, or are at risk of becoming, victims of commercial sexual exploitation. The bill would also require county child welfare agencies and probation departments to develop and implement specific protocols to expeditiously locate any child missing from foster care, as specified. By imposing these requirements on county agencies, this bill would impose a state-mandated local program.

(2) Under existing law, a county social worker develops a case plan that, among other things, identifies the child welfare services that will be provided to a minor or nonminor dependent. Existing law requires the county child welfare agency to give the child a meaningful opportunity to participate in the development of the case plan.

This bill would require county child welfare agencies to develop case plans for youth 14 years of age or older and nonminor dependents in consultation with the youth, and would authorize each youth to choose up to 2 members of the case planning team, as specified. The bill would require that case plans for these youth include a description of specified rights and entitlements, as well as an acknowledgment signed by each youth that he or she was provided with this information. The bill would also require the case plan for a child or nonminor dependent who is, or who is at risk of becoming, the victim of commercial sexual exploitation, to document the services provided to address that issue. By imposing these case planning requirements on county child welfare agencies, this bill would impose a state-mandated local program.

(3) Existing law requires a caregiver of a dependent child to use a reasonable and prudent parent standard in determining whether to give permission for a child residing in foster care to participate in extracurricular, enrichment, and social activities.

This bill would require that training for various categories of caregivers include knowledge and skills relating to the reasonable and prudent parent standard for participation in age or developmentally appropriate activities. The bill would also require each licensed community care facility that provides care and supervision to children, except licensed foster family homes and certified family homes, to designate at least one onsite staff member to apply the reasonable and prudent parent standard to decisions involving the participation of the child in age or developmentally appropriate activities. To the extent this bill would impose foster parent training requirements on counties, the bill would impose a state-mandated local program.

(4) Existing law requires a county welfare department, county probation department, or the State Department of Social Services to

annually obtain a credit report, as specified, for a child in foster care who is 16 years of age or older.

This bill would require that these services be provided to a child in foster care who is 14 years of age or older. By increasing the level of service provided by counties, the bill would impose a state-mandated local program.

(5) Existing law requires the State Department of Social Services to implement a statewide Child Welfare Services/Case Management System to effectively administer and evaluate the state's child welfare services and foster care programs.

This bill would require the department to ensure that the Child Welfare Services/Case Management System is capable of collecting specified information relating to the number of foster children who are, or are at risk of becoming, victims of commercial sexual exploitation.

(6) The Child Abuse and Neglect Reporting Act makes certain persons mandated reporters, and requires those persons to report to a police department, sheriff's department, county probation department, or the county welfare department whenever he or she knows or reasonably suspects that a child has been the victim of child abuse or neglect, as specified. Existing law requires the county probation or welfare department to immediately, or as soon as practicably possible, report to the law enforcement agency having jurisdiction over the case, to the agency given the responsibility for investigation of cases of child abuse and neglect, and to the district attorney's office every known or suspected instance of child abuse or neglect.

This bill would additionally require the county probation or welfare department to immediately, or in no case later than 24 hours from receipt of the information, report to the law enforcement agency having jurisdiction over the case any known or suspected instance of child abuse involving an allegation of commercial sexual exploitation, as defined, of a child or youth receiving child welfare services. The bill would also require the county probation or welfare department to make a report to the appropriate law enforcement authority for entry into the National Crime Information Center database of the Federal Bureau of Investigation and to the National Center for Missing and Exploited Children within 24 hours of becoming aware that a child or youth who is receiving child welfare services and who is known or suspected to be the victim of commercial sexual exploitation is missing or has been abducted. By increasing the duties of county probation and welfare departments, this bill would impose a state-mandated local program.

(7) Existing law establishes the Adoption Assistance Program for the purpose of benefiting children residing in foster homes by providing the stability and security of permanent homes. Existing law requires that any savings realized from the change in federal funding for adoption assistance resulting from the enactment of the federal Fostering Connections to Success and Increasing Adoptions Act of 2008 be spent for the provision of foster care and adoption services.

This bill would require that at least 30% of that savings be spent on postadoption services, postguardianship services, and services to support and sustain positive permanent outcomes for children who might enter foster care, as specified.

(8) The Kinship Guardianship Assistance Payment (Kin-GAP) Program provides financial assistance to children who are eligible for foster care maintenance payments and are placed in legal guardianship with a relative. Under existing law, termination of the guardianship terminates eligibility for Kin-GAP, unless an alternate kinship guardian or coguardian is appointed, as provided.

This bill would instead provide that if a successor kinship guardian is appointed, the successor guardian is entitled to receive Kin-GAP on behalf of the child if the reason for the appointment is the death or incapacity of the kinship guardian and the successor guardian is named in the kinship guardianship assistance agreement.

(9) Existing federal law, the Adoption and Safe Families Act of 1997, among other provisions, establishes a permanent placement option for older children as an alternative to long-term foster care, referred to in the act as “another planned permanent living arrangement” (APPLA). Existing law declares the intent of the Legislature to conform state law to the federal act, as specified.

This bill would revise various provisions relating to foster care and the placement of dependent children and wards of the juvenile court, to delete references to long-term foster care and instead to provide a minor 16 years of age and older, under certain circumstances, with another planned permanent living arrangement, as prescribed. The bill would require the court conducting the permanency hearing to make specified findings in this regard. The bill also would impose additional requirements on the county social worker or probation officer preparing the case plan and the social study required for children and nonminor dependents placed in another planned permanent living arrangement, as defined. By imposing new duties on county social workers and

probation officers, the bill would impose a state-mandated local program.

*(10) This bill would incorporate additional changes proposed by AB 403, SB 68, and SB 238, which would become operative only if this bill is chaptered last.*

~~(10)~~

*(11) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.*

*This bill would provide that no reimbursement is required by this act for a specified reason.*

*Vote: majority. Appropriation: no. Fiscal committee: yes.  
State-mandated local program: yes.*

*The people of the State of California do enact as follows:*

1 SECTION 1. Section 7950 of the Family Code is amended to  
2 read:

3 7950. (a) With full consideration for the proximity of the  
4 natural parents to the placement so as to facilitate visitation and  
5 family reunification, when a placement in foster care is being  
6 made, the following considerations shall be used:

7 (1) Placement shall, if possible, be made in the home of a  
8 relative, unless the placement would not be in the best interest of  
9 the child. Diligent efforts shall be made by an agency or entity to  
10 which this subdivision applies, to locate an appropriate relative,  
11 as defined in paragraph (2) of subdivision (f) of Section 319 of the  
12 Welfare and Institutions Code. At any permanency hearing in  
13 which the court terminates reunification services, or at any  
14 postpermanency hearing for a child not placed for adoption, the  
15 court shall find that the agency or entity to which this subdivision  
16 applies has made diligent efforts to locate an appropriate relative  
17 and that each relative whose name has been submitted to the agency  
18 or entity as a possible caretaker, either by himself or herself or by  
19 other persons, has been evaluated as an appropriate placement  
20 resource.

21 (2) No agency or entity that receives any state assistance and is  
22 involved in foster care placements may do either of the following:

1 (A) Deny to any person the opportunity to become a foster  
2 parent on the basis of the race, color, or national origin of the  
3 person or the child involved.

4 (B) Delay or deny the placement of a child into foster care on  
5 the basis of the race, color, or national origin of the foster parent  
6 or the child involved.

7 (b) Subdivision (a) shall not be construed to affect the  
8 application of the Indian Child Welfare Act of 1978 (25 U.S.C.  
9 Sec. 1901 et seq.).

10 (c) Nothing in this section precludes a search for an appropriate  
11 relative being conducted simultaneously with a search for a foster  
12 family.

13 SEC. 2. Section 1522.44 is added to the Health and Safety  
14 Code, to read:

15 1522.44. (a) It is the policy of the state that caregivers of  
16 children in foster care possess knowledge and skills relating to the  
17 reasonable and prudent parent standard, as defined in subdivision  
18 (c) of Section 362.05 of the Welfare and Institutions Code.

19 (b) Except for licensed foster family homes and certified family  
20 homes, each licensed community care facility that provides care  
21 and supervision to children and operates with staff shall designate  
22 at least one onsite staff member to apply the reasonable and prudent  
23 parent standard to decisions involving the participation of a child  
24 who is placed in the facility in age or developmentally appropriate  
25 activities in accordance with the requirements of Section 362.05  
26 of the Welfare and Institutions Code, Section 671(a)(10) of Title  
27 42 of the United States Code, and the regulations adopted by the  
28 department pursuant to this chapter.

29 (c) A licensed and certified foster parent or facility staff member,  
30 as described in subdivision (b), shall receive training related to the  
31 reasonable and prudent parent standard that is consistent with  
32 Section 671(a)(24) of Title 42 of the United States Code. This  
33 training shall include knowledge and skills relating to the  
34 reasonable and prudent parent standard for the participation of the  
35 child in age or developmentally appropriate activities, including  
36 knowledge and skills relating to the developmental stages of the  
37 cognitive, emotional, physical, and behavioral capacities of a child,  
38 and knowledge and skills relating to applying the standard to  
39 decisions such as whether to allow the child to engage in  
40 extracurricular, enrichment, cultural, and social activities, including

1 sports, field trips, and overnight activities lasting one or more days,  
2 and to decisions involving the signing of permission slips and  
3 arranging of transportation for the child to and from extracurricular,  
4 enrichment, and social activities.

5 (d) This section does not apply to runaway and homeless youth  
6 shelters as defined in paragraph (14) of subdivision (a) of Section  
7 1502.

8 SEC. 3. Section 11165.1 of the Penal Code is amended to read:  
9 11165.1. As used in this article, “sexual abuse” means sexual  
10 assault or sexual exploitation as defined by the following:

11 (a) “Sexual assault” means conduct in violation of one or more  
12 of the following sections: Section 261 (rape), subdivision (d) of  
13 Section 261.5 (statutory rape), Section 264.1 (rape in concert),  
14 Section 285 (incest), Section 286 (sodomy), subdivision (a) or (b),  
15 or paragraph (1) of subdivision (c) of Section 288 (lewd or  
16 lascivious acts upon a child), Section 288a (oral copulation),  
17 Section 289 (sexual penetration), or Section 647.6 (child  
18 molestation).

19 (b) Conduct described as “sexual assault” includes, but is not  
20 limited to, all of the following:

21 (1) Penetration, however slight, of the vagina or anal opening  
22 of one person by the penis of another person, whether or not there  
23 is the emission of semen.

24 (2) Sexual contact between the genitals or anal opening of one  
25 person and the mouth or tongue of another person.

26 (3) Intrusion by one person into the genitals or anal opening of  
27 another person, including the use of an object for this purpose,  
28 except that, it does not include acts performed for a valid medical  
29 purpose.

30 (4) The intentional touching of the genitals or intimate parts,  
31 including the breasts, genital area, groin, inner thighs, and buttocks,  
32 or the clothing covering them, of a child, or of the perpetrator by  
33 a child, for purposes of sexual arousal or gratification, except that  
34 it does not include acts which may reasonably be construed to be  
35 normal caretaker responsibilities; interactions with, or  
36 demonstrations of affection for, the child; or acts performed for a  
37 valid medical purpose.

38 (5) The intentional masturbation of the perpetrator’s genitals in  
39 the presence of a child.

40 (c) “Sexual exploitation” refers to any of the following:

1 (1) Conduct involving matter depicting a minor engaged in  
2 obscene acts in violation of Section 311.2 (preparing, selling, or  
3 distributing obscene matter) or subdivision (a) of Section 311.4  
4 (employment of minor to perform obscene acts).

5 (2) A person who knowingly promotes, aids, or assists, employs,  
6 uses, persuades, induces, or coerces a child, or a person responsible  
7 for a child's welfare, who knowingly permits or encourages a child  
8 to engage in, or assist others to engage in, prostitution or a live  
9 performance involving obscene sexual conduct, or to either pose  
10 or model alone or with others for purposes of preparing a film,  
11 photograph, negative, slide, drawing, painting, or other pictorial  
12 depiction, involving obscene sexual conduct. For the purpose of  
13 this section, "person responsible for a child's welfare" means a  
14 parent, guardian, foster parent, or a licensed administrator or  
15 employee of a public or private residential home, residential school,  
16 or other residential institution.

17 (3) A person who depicts a child in, or who knowingly develops,  
18 duplicates, prints, downloads, streams, accesses through any  
19 electronic or digital media, or exchanges, a film, photograph,  
20 videotape, video recording, negative, or slide in which a child is  
21 engaged in an act of obscene sexual conduct, except for those  
22 activities by law enforcement and prosecution agencies and other  
23 persons described in subdivisions (c) and (e) of Section 311.3.

24 (d) "Commercial sexual exploitation" refers to either of the  
25 following:

26 (1) The sexual trafficking of a child, as described in subdivision  
27 (c) of Section 236.1.

28 (2) The provision of food, shelter, or payment to a child in  
29 exchange for the performance of any sexual act described in this  
30 section or subdivision (c) of Section 236.1.

31 SEC. 4. Section 11166 of the Penal Code is amended to read:

32 11166. (a) Except as provided in subdivision (d), and in  
33 Section 11166.05, a mandated reporter shall make a report to an  
34 agency specified in Section 11165.9 whenever the mandated  
35 reporter, in his or her professional capacity or within the scope of  
36 his or her employment, has knowledge of or observes a child whom  
37 the mandated reporter knows or reasonably suspects has been the  
38 victim of child abuse or neglect. The mandated reporter shall make  
39 an initial report by telephone to the agency immediately or as soon  
40 as is practicably possible, and shall prepare and send, fax, or



1 electronically transmit a written followup report within 36 hours  
2 of receiving the information concerning the incident. The mandated  
3 reporter may include with the report any nonprivileged  
4 documentary evidence the mandated reporter possesses relating  
5 to the incident.

6 (1) For purposes of this article, “reasonable suspicion” means  
7 that it is objectively reasonable for a person to entertain a suspicion,  
8 based upon facts that could cause a reasonable person in a like  
9 position, drawing, when appropriate, on his or her training and  
10 experience, to suspect child abuse or neglect. “Reasonable  
11 suspicion” does not require certainty that child abuse or neglect  
12 has occurred nor does it require a specific medical indication of  
13 child abuse or neglect; any “reasonable suspicion” is sufficient.  
14 For purposes of this article, the pregnancy of a minor does not, in  
15 and of itself, constitute a basis for a reasonable suspicion of sexual  
16 abuse.

17 (2) The agency shall be notified and a report shall be prepared  
18 and sent, faxed, or electronically transmitted even if the child has  
19 expired, regardless of whether or not the possible abuse was a  
20 factor contributing to the death, and even if suspected child abuse  
21 was discovered during an autopsy.

22 (3) A report made by a mandated reporter pursuant to this  
23 section shall be known as a mandated report.

24 (b) If, after reasonable efforts, a mandated reporter is unable to  
25 submit an initial report by telephone, he or she shall immediately  
26 or as soon as is practicably possible, by fax or electronic  
27 transmission, make a one-time automated written report on the  
28 form prescribed by the Department of Justice, and shall also be  
29 available to respond to a telephone followup call by the agency  
30 with which he or she filed the report. A mandated reporter who  
31 files a one-time automated written report because he or she was  
32 unable to submit an initial report by telephone is not required to  
33 submit a written followup report.

34 (1) The one-time automated written report form prescribed by  
35 the Department of Justice shall be clearly identifiable so that it is  
36 not mistaken for a standard written followup report. In addition,  
37 the automated one-time report shall contain a section that allows  
38 the mandated reporter to state the reason the initial telephone call  
39 was not able to be completed. The reason for the submission of  
40 the one-time automated written report in lieu of the procedure

1 prescribed in subdivision (a) shall be captured in the Child Welfare  
2 Services/Case Management System (CWS/CMS). The department  
3 shall work with stakeholders to modify reporting forms and the  
4 CWS/CMS as is necessary to accommodate the changes enacted  
5 by these provisions.

6 (2) This subdivision shall not become operative until the  
7 CWS/CMS is updated to capture the information prescribed in this  
8 subdivision.

9 (3) This subdivision shall become inoperative three years after  
10 this subdivision becomes operative or on January 1, 2009,  
11 whichever occurs first.

12 (4) On the inoperative date of these provisions, a report shall  
13 be submitted to the counties and the Legislature by the State  
14 Department of Social Services that reflects the data collected from  
15 automated one-time reports indicating the reasons stated as to why  
16 the automated one-time report was filed in lieu of the initial  
17 telephone report.

18 (5) Nothing in this section shall supersede the requirement that  
19 a mandated reporter first attempt to make a report via telephone,  
20 or that agencies specified in Section 11165.9 accept reports from  
21 mandated reporters and other persons as required.

22 (c) A mandated reporter who fails to report an incident of known  
23 or reasonably suspected child abuse or neglect as required by this  
24 section is guilty of a misdemeanor punishable by up to six months  
25 confinement in a county jail or by a fine of one thousand dollars  
26 (\$1,000) or by both that imprisonment and fine. If a mandated  
27 reporter intentionally conceals his or her failure to report an  
28 incident known by the mandated reporter to be abuse or severe  
29 neglect under this section, the failure to report is a continuing  
30 offense until an agency specified in Section 11165.9 discovers the  
31 offense.

32 (d) (1) A clergy member who acquires knowledge or a  
33 reasonable suspicion of child abuse or neglect during a penitential  
34 communication is not subject to subdivision (a). For the purposes  
35 of this subdivision, "penitential communication" means a  
36 communication, intended to be in confidence, including, but not  
37 limited to, a sacramental confession, made to a clergy member  
38 who, in the course of the discipline or practice of his or her church,  
39 denomination, or organization, is authorized or accustomed to hear  
40 those communications, and under the discipline, tenets, customs,

1 or practices of his or her church, denomination, or organization,  
2 has a duty to keep those communications secret.

3 (2) Nothing in this subdivision shall be construed to modify or  
4 limit a clergy member's duty to report known or suspected child  
5 abuse or neglect when the clergy member is acting in some other  
6 capacity that would otherwise make the clergy member a mandated  
7 reporter.

8 (3) (A) On or before January 1, 2004, a clergy member or any  
9 custodian of records for the clergy member may report to an agency  
10 specified in Section 11165.9 that the clergy member or any  
11 custodian of records for the clergy member, prior to January 1,  
12 1997, in his or her professional capacity or within the scope of his  
13 or her employment, other than during a penitential communication,  
14 acquired knowledge or had a reasonable suspicion that a child had  
15 been the victim of sexual abuse and that the clergy member or any  
16 custodian of records for the clergy member did not previously  
17 report the abuse to an agency specified in Section 11165.9. The  
18 provisions of Section 11172 shall apply to all reports made pursuant  
19 to this paragraph.

20 (B) This paragraph shall apply even if the victim of the known  
21 or suspected abuse has reached the age of majority by the time the  
22 required report is made.

23 (C) The local law enforcement agency shall have jurisdiction  
24 to investigate any report of child abuse made pursuant to this  
25 paragraph even if the report is made after the victim has reached  
26 the age of majority.

27 (e) (1) A commercial film, photographic print, or image  
28 processor who has knowledge of or observes, within the scope of  
29 his or her professional capacity or employment, any film,  
30 photograph, videotape, negative, slide, or any representation of  
31 information, data, or an image, including, but not limited to, any  
32 film, filmstrip, photograph, negative, slide, photocopy, videotape,  
33 video laser disc, computer hardware, computer software, computer  
34 floppy disk, data storage medium, CD-ROM, computer-generated  
35 equipment, or computer-generated image depicting a child under  
36 16 years of age engaged in an act of sexual conduct, shall,  
37 immediately or as soon as practicably possible, telephonically  
38 report the instance of suspected abuse to the law enforcement  
39 agency located in the county in which the images are seen. Within  
40 36 hours of receiving the information concerning the incident, the

1 reporter shall prepare and send, fax, or electronically transmit a  
2 written followup report of the incident with a copy of the image  
3 or material attached.

4 (2) A commercial computer technician who has knowledge of  
5 or observes, within the scope of his or her professional capacity  
6 or employment, any representation of information, data, or an  
7 image, including, but not limited to, any computer hardware,  
8 computer software, computer file, computer floppy disk, data  
9 storage medium, CD-ROM, computer-generated equipment, or  
10 computer-generated image that is retrievable in perceivable form  
11 and that is intentionally saved, transmitted, or organized on an  
12 electronic medium, depicting a child under 16 years of age engaged  
13 in an act of sexual conduct, shall immediately, or as soon as  
14 practicably possible, telephonically report the instance of suspected  
15 abuse to the law enforcement agency located in the county in which  
16 the images or materials are seen. As soon as practicably possible  
17 after receiving the information concerning the incident, the reporter  
18 shall prepare and send, fax, or electronically transmit a written  
19 followup report of the incident with a brief description of the  
20 images or materials.

21 (3) For purposes of this article, “commercial computer  
22 technician” includes an employee designated by an employer to  
23 receive reports pursuant to an established reporting process  
24 authorized by subparagraph (B) of paragraph (43) of subdivision  
25 (a) of Section 11165.7.

26 (4) As used in this subdivision, “electronic medium” includes,  
27 but is not limited to, a recording, CD-ROM, magnetic disk memory,  
28 magnetic tape memory, CD, DVD, thumbdrive, or any other  
29 computer hardware or media.

30 (5) As used in this subdivision, “sexual conduct” means any of  
31 the following:

32 (A) Sexual intercourse, including genital-genital, oral-genital,  
33 anal-genital, or oral-anal, whether between persons of the same or  
34 opposite sex or between humans and animals.

35 (B) Penetration of the vagina or rectum by any object.

36 (C) Masturbation for the purpose of sexual stimulation of the  
37 viewer.

38 (D) Sadomasochistic abuse for the purpose of sexual stimulation  
39 of the viewer.

1 (E) Exhibition of the genitals, pubic, or rectal areas of a person  
2 for the purpose of sexual stimulation of the viewer.

3 (f) Any mandated reporter who knows or reasonably suspects  
4 that the home or institution in which a child resides is unsuitable  
5 for the child because of abuse or neglect of the child shall bring  
6 the condition to the attention of the agency to which, and at the  
7 same time as, he or she makes a report of the abuse or neglect  
8 pursuant to subdivision (a).

9 (g) Any other person who has knowledge of or observes a child  
10 whom he or she knows or reasonably suspects has been a victim  
11 of child abuse or neglect may report the known or suspected  
12 instance of child abuse or neglect to an agency specified in Section  
13 11165.9. For purposes of this section, “any other person” includes  
14 a mandated reporter who acts in his or her private capacity and  
15 not in his or her professional capacity or within the scope of his  
16 or her employment.

17 (h) When two or more persons, who are required to report,  
18 jointly have knowledge of a known or suspected instance of child  
19 abuse or neglect, and when there is agreement among them, the  
20 telephone report may be made by a member of the team selected  
21 by mutual agreement and a single report may be made and signed  
22 by the selected member of the reporting team. Any member who  
23 has knowledge that the member designated to report has failed to  
24 do so shall thereafter make the report.

25 (i) (1) The reporting duties under this section are individual,  
26 and no supervisor or administrator may impede or inhibit the  
27 reporting duties, and no person making a report shall be subject  
28 to any sanction for making the report. However, internal procedures  
29 to facilitate reporting and apprise supervisors and administrators  
30 of reports may be established provided that they are not inconsistent  
31 with this article.

32 (2) The internal procedures shall not require any employee  
33 required to make reports pursuant to this article to disclose his or  
34 her identity to the employer.

35 (3) Reporting the information regarding a case of possible child  
36 abuse or neglect to an employer, supervisor, school principal,  
37 school counselor, coworker, or other person shall not be a substitute  
38 for making a mandated report to an agency specified in Section  
39 11165.9.

1 (j) (1) A county probation or welfare department shall  
2 immediately, or as soon as practicably possible, report by  
3 telephone, fax, or electronic transmission to the law enforcement  
4 agency having jurisdiction over the case, to the agency given the  
5 responsibility for investigation of cases under Section 300 of the  
6 Welfare and Institutions Code, and to the district attorney's office  
7 every known or suspected instance of child abuse or neglect, as  
8 defined in Section 11165.6, except acts or omissions coming within  
9 subdivision (b) of Section 11165.2, or reports made pursuant to  
10 Section 11165.13 based on risk to a child that relates solely to the  
11 inability of the parent to provide the child with regular care due  
12 to the parent's substance abuse, which shall be reported only to  
13 the county welfare or probation department. A county probation  
14 or welfare department also shall send, fax, or electronically transmit  
15 a written report thereof within 36 hours of receiving the information  
16 concerning the incident to any agency to which it makes a  
17 telephone report under this subdivision.

18 (2) A county probation or welfare department shall immediately,  
19 and in no case in more than 24 hours, report to the law enforcement  
20 agency having jurisdiction over the case after receiving information  
21 that a child or youth who is receiving child welfare services has  
22 been identified as the victim of commercial sexual exploitation,  
23 as defined in subdivision (d) of Section 11165.1.

24 (3) When a child or youth who is receiving child welfare  
25 services and who is reasonably believed to be the victim of, or is  
26 at risk of being the victim of, commercial sexual exploitation, as  
27 defined in Section 11165.1, is missing or has been abducted, the  
28 county probation or welfare department shall immediately, or in  
29 no case later than 24 hours from receipt of the information, report  
30 the incident to the appropriate law enforcement authority for entry  
31 into the National Crime Information Center database of the Federal  
32 Bureau of Investigation and to the National Center for Missing  
33 and Exploited Children.

34 (k) A law enforcement agency shall immediately, or as soon as  
35 practicably possible, report by telephone, fax, or electronic  
36 transmission to the agency given responsibility for investigation  
37 of cases under Section 300 of the Welfare and Institutions Code  
38 and to the district attorney's office every known or suspected  
39 instance of child abuse or neglect reported to it, except acts or  
40 omissions coming within subdivision (b) of Section 11165.2, which

1 shall be reported only to the county welfare or probation  
2 department. A law enforcement agency shall report to the county  
3 welfare or probation department every known or suspected instance  
4 of child abuse or neglect reported to it which is alleged to have  
5 occurred as a result of the action of a person responsible for the  
6 child's welfare, or as the result of the failure of a person responsible  
7 for the child's welfare to adequately protect the minor from abuse  
8 when the person responsible for the child's welfare knew or  
9 reasonably should have known that the minor was in danger of  
10 abuse. A law enforcement agency also shall send, fax, or  
11 electronically transmit a written report thereof within 36 hours of  
12 receiving the information concerning the incident to any agency  
13 to which it makes a telephone report under this subdivision.

14 SEC. 5. Section 309 of the Welfare and Institutions Code is  
15 amended to read:

16 309. (a) Upon delivery to the social worker of a child who has  
17 been taken into temporary custody under this article, the social  
18 worker shall immediately investigate the circumstances of the child  
19 and the facts surrounding the child's being taken into custody and  
20 attempt to maintain the child with the child's family through the  
21 provision of services. The social worker shall immediately release  
22 the child to the custody of the child's parent, guardian, or  
23 responsible relative, regardless of the parent's, guardian's, or  
24 relative's immigration status, unless one or more of the following  
25 conditions exist:

26 (1) The child has no parent, guardian, or responsible relative;  
27 or the child's parent, guardian, or responsible relative is not willing  
28 to provide care for the child.

29 (2) Continued detention of the child is a matter of immediate  
30 and urgent necessity for the protection of the child and there are  
31 no reasonable means by which the child can be protected in his or  
32 her home or the home of a responsible relative.

33 (3) There is substantial evidence that a parent, guardian, or  
34 custodian of the child is likely to flee the jurisdiction of the court.

35 (4) The child has left a placement in which he or she was placed  
36 by the juvenile court.

37 (5) The parent or other person having lawful custody of the  
38 child voluntarily surrendered physical custody of the child pursuant  
39 to Section 1255.7 of the Health and Safety Code and did not

1 reclaim the child within the 14-day period specified in subdivision  
2 (e) of that section.

3 (b) In any case in which there is reasonable cause for believing  
4 that a child who is under the care of a physician and surgeon or a  
5 hospital, clinic, or other medical facility and cannot be immediately  
6 moved and is a person described in Section 300, the child shall be  
7 deemed to have been taken into temporary custody and delivered  
8 to the social worker for the purposes of this chapter while the child  
9 is at the office of the physician and surgeon or the medical facility.

10 (c) If the child is not released to his or her parent or guardian,  
11 the child shall be deemed detained for purposes of this chapter.

12 (d) (1) If an able and willing relative, as defined in Section 319,  
13 or an able and willing nonrelative extended family member, as  
14 defined in Section 362.7, is available and requests temporary  
15 placement of the child pending the detention hearing, or after the  
16 detention hearing and pending the dispositional hearing conducted  
17 pursuant to Section 358, the county welfare department shall  
18 initiate an assessment of the relative's or nonrelative extended  
19 family member's suitability, which shall include an in-home  
20 inspection to assess the safety of the home and the ability of the  
21 relative or nonrelative extended family member to care for the  
22 child's needs, and a consideration of the results of a criminal  
23 records check conducted pursuant to subdivision (a) of Section  
24 16504.5 and a check of allegations of prior child abuse or neglect  
25 concerning the relative or nonrelative extended family member  
26 and other adults in the home. A relative's identification card from  
27 a foreign consulate or foreign passport shall be considered a valid  
28 form of identification for conducting a criminal records check and  
29 fingerprint clearance check under this subdivision. Upon  
30 completion of this assessment, the child may be placed in the  
31 assessed home. For purposes of this paragraph, and except for the  
32 criminal records check conducted pursuant to subdivision (a) of  
33 Section 16504.5, the standards used to determine suitability shall  
34 be the same standards set forth in the regulations for the licensing  
35 of foster family homes.

36 (2) Immediately following the placement of a child in the home  
37 of a relative or a nonrelative extended family member, the county  
38 welfare department shall evaluate and approve or deny the home  
39 for purposes of AFDC-FC eligibility pursuant to Section 11402.  
40 The standards used to evaluate and grant or deny approval of the



1 home of the relative and of the home of a nonrelative extended  
2 family member, as described in Section 362.7, shall be the same  
3 standards set forth in regulations for the licensing of foster family  
4 homes which prescribe standards of safety and sanitation for the  
5 physical plant and standards for basic personal care, supervision,  
6 and services provided by the caregiver.

7 (3) To the extent allowed by federal law, as a condition of  
8 receiving funding under Title IV-E of the federal Social Security  
9 Act (42 U.S.C. Sec. 670 et seq.), if a relative or nonrelative  
10 extended family member meets all other conditions for approval,  
11 except for the receipt of the Federal Bureau of Investigation's  
12 criminal history information for the relative or nonrelative extended  
13 family member, and other adults in the home, as indicated, the  
14 county welfare department may approve the home and document  
15 that approval, if the relative or nonrelative extended family  
16 member, and each adult in the home, has signed and submitted a  
17 statement that he or she has never been convicted of a crime in the  
18 United States, other than a traffic infraction as defined in paragraph  
19 (1) of subdivision (a) of Section 42001 of the Vehicle Code. If,  
20 after the approval has been granted, the department determines  
21 that the relative or nonrelative extended family member or other  
22 adult in the home has a criminal record, the approval may be  
23 terminated.

24 (4) If the criminal records check indicates that the person has  
25 been convicted of a crime for which the Director of Social Services  
26 cannot grant an exemption under Section 1522 of the Health and  
27 Safety Code, the child shall not be placed in the home. If the  
28 criminal records check indicates that the person has been convicted  
29 of a crime for which the Director of Social Services may grant an  
30 exemption under Section 1522 of the Health and Safety Code, the  
31 child shall not be placed in the home unless a criminal records  
32 exemption has been granted by the county based on substantial  
33 and convincing evidence to support a reasonable belief that the  
34 person with the criminal conviction is of such good character as  
35 to justify the placement and not present a risk of harm to the child.

36 (e) (1) If the child is removed, the social worker shall conduct,  
37 within 30 days, an investigation in order to identify and locate all  
38 grandparents, parents of a sibling of the child, if the parent has  
39 legal custody of the sibling, adult siblings, and other adult relatives  
40 of the child, as defined in paragraph (2) of subdivision (f) of

1 Section 319, including any other adult relatives suggested by the  
2 parents. As used in this section, “sibling” means a person related  
3 to the identified child by blood, adoption, or affinity through a  
4 common legal or biological parent. The social worker shall provide  
5 to all adult relatives who are located, except when that relative’s  
6 history of family or domestic violence makes notification  
7 inappropriate, within 30 days of removal of the child, written  
8 notification and shall also, whenever appropriate, provide oral  
9 notification, in person or by telephone, of all the following  
10 information:

11 (A) The child has been removed from the custody of his or her  
12 parent or parents, or his or her guardians.

13 (B) An explanation of the various options to participate in the  
14 care and placement of the child and support for the child’s family,  
15 including any options that may be lost by failing to respond. The  
16 notice shall provide information about providing care for the child  
17 while the family receives reunification services with the goal of  
18 returning the child to the parent or guardian, how to become a  
19 foster family home or approved relative or nonrelative extended  
20 family member as defined in Section 362.7, and additional services  
21 and support that are available in out-of-home placements. The  
22 notice shall also include information regarding the Kin-GAP  
23 Program (Article 4.5 (commencing with Section 11360) of Chapter  
24 2 of Part 3 of Division 9), the CalWORKs program for approved  
25 relative caregivers (Chapter 2 (commencing with Section 11200)  
26 of Part 3 of Division 9), adoption, and adoption assistance (Chapter  
27 2.1 (commencing with Section 16115) of Part 4 of Division 9), as  
28 well as other options for contact with the child, including, but not  
29 limited to, visitation. The State Department of Social Services, in  
30 consultation with the County Welfare Directors Association of  
31 California and other interested stakeholders, shall develop the  
32 written notice.

33 (2) The social worker shall also provide the adult relatives  
34 notified pursuant to paragraph (1) with a relative information form  
35 to provide information to the social worker and the court regarding  
36 the needs of the child. The form shall include a provision whereby  
37 the relative may request the permission of the court to address the  
38 court, if the relative so chooses. The Judicial Council, in  
39 consultation with the State Department of Social Services and the

1 County Welfare Directors Association of California, shall develop  
2 the form.

3 (3) The social worker shall use due diligence in investigating  
4 the names and locations of the relatives pursuant to paragraph (1),  
5 including, but not limited to, asking the child in an age-appropriate  
6 manner about relatives important to the child, consistent with the  
7 child's best interest, and obtaining information regarding the  
8 location of the child's adult relatives. Each county welfare  
9 department shall create and make public a procedure by which  
10 relatives of a child who has been removed from his or her parents  
11 or guardians may identify themselves to the county welfare  
12 department and be provided with the notices required by paragraphs  
13 (1) and (2).

14 SEC. 6. Section 362.04 of the Welfare and Institutions Code  
15 is amended to read:

16 362.04. (a) For purposes of this section:

17 (1) "Caregiver" means any licensed certified foster parent,  
18 approved relative caregiver, or approved nonrelative extended  
19 family member, or approved resource family.

20 (2) "Reasonable and prudent parent" or "reasonable and prudent  
21 parent standard" has the meaning set forth in subdivision (c) of  
22 Section 362.05.

23 (3) "Short term" means no more than 24 consecutive hours.

24 (b) Every caregiver may arrange for occasional short-term  
25 babysitting of their foster child and allow individuals to supervise  
26 the foster child for the purposes set forth in Section 362.05, or on  
27 occasions, including, but not limited to, when the foster parent has  
28 a medical or other health care appointment, grocery or other  
29 shopping, personal grooming appointments, special occasions for  
30 the foster parents, foster parent training classes, school-related  
31 meetings (such as parent-teacher conferences), business meetings,  
32 adult social gatherings, or an occasional evening out by the foster  
33 parent.

34 (c) Caregivers shall use a reasonable and prudent parent standard  
35 in determining and selecting appropriate babysitters for occasional  
36 short-term use.

37 (d) The caregiver shall endeavor to provide the babysitter with  
38 the following information before leaving the child for purposes of  
39 short-term care:

1 (1) Information about the child's emotional, behavioral, medical,  
2 or physical conditions, if any, necessary to provide care for the  
3 child during the time the foster child is being supervised by the  
4 babysitter.

5 (2) Any medication that should be administered to the foster  
6 child during the time the foster child is being supervised by the  
7 babysitter.

8 (3) Emergency contact information that is valid during the time  
9 the foster child is being supervised by the babysitter.

10 (e) Babysitters selected by the caregiver to provide occasional  
11 short-term care to a foster child under the provisions of this section  
12 shall be exempt from any department regulation requiring health  
13 screening or cardiopulmonary resuscitation certification or training.

14 (f) Each state and local entity shall ensure that private agencies  
15 that provide foster care services to dependent children have policies  
16 consistent with this section. Policies that are not consistent with  
17 this section include those that are incompatible with, contradictory  
18 to, or more restrictive than this section.

19 SEC. 7. Section 362.05 of the Welfare and Institutions Code  
20 is amended to read:

21 362.05. (a) (1) Every child adjudged a dependent child of the  
22 juvenile court shall be entitled to participate in age-appropriate  
23 extracurricular, enrichment, and social activities. No state or local  
24 regulation or policy may prevent, or create barriers to, participation  
25 in those activities. Each state and local entity shall ensure that  
26 private agencies that provide foster care services to dependent  
27 children have policies consistent with this section and that those  
28 agencies promote and protect the ability of dependent children to  
29 participate in age-appropriate extracurricular, enrichment, and  
30 social activities. A group home administrator, a facility manager,  
31 or his or her responsible designee, and a caregiver, as defined in  
32 paragraph (1) of subdivision (a) of Section 362.04, shall use a  
33 reasonable and prudent parent standard in determining whether to  
34 give permission for a child residing in foster care to participate in  
35 extracurricular, enrichment, and social activities. A group home  
36 administrator, a facility manager, or his or her responsible designee,  
37 and a caregiver shall take reasonable steps to determine the  
38 appropriateness of the activity in consideration of the child's age,  
39 maturity, and developmental level.

1 (2) Training for caregivers shall include knowledge and skills  
2 relating to the reasonable and prudent parent standard for the  
3 participation of the child in age or developmentally appropriate  
4 activities, consistent with this section and Section 671(a)(24) of  
5 Title 42 of the United States Code.

6 (b) A group home administrator or a facility manager, or his or  
7 her responsible designee, is encouraged to consult with social work  
8 or treatment staff members who are most familiar with the child  
9 at the group home in applying and using the reasonable and prudent  
10 parent standard.

11 (c) (1) “Reasonable and prudent parent” or “reasonable and  
12 prudent parent standard” means the standard characterized by  
13 careful and sensible parental decisions that maintain the health,  
14 safety, and best interests of a child while at the same time  
15 encouraging the emotional and developmental growth of the child,  
16 that a caregiver shall use when determining whether to allow a  
17 child in foster care under the responsibility of the state to  
18 participate in age or developmentally appropriate extracurricular,  
19 enrichment, cultural, and social activities.

20 (2) The term “age or developmentally appropriate” means both  
21 of the following:

22 (A) Activities or items that are generally accepted as suitable  
23 for children of the same chronological age or level of maturity or  
24 that are determined to be developmentally appropriate for a child,  
25 based on the development of cognitive, emotional, physical, and  
26 behavioral capacities that are typical for an age or age group.

27 (B) In the case of a specific child, activities or items that are  
28 suitable for the child based on the developmental stages attained  
29 by the child with respect to the cognitive, emotional, physical, and  
30 behavioral capacities of the child.

31 SEC. 8. Section 362.1 of the Welfare and Institutions Code is  
32 amended to read:

33 362.1. (a) In order to maintain ties between the parent or  
34 guardian and any siblings and the child, and to provide information  
35 relevant to deciding if, and when, to return a child to the custody  
36 of his or her parent or guardian, or to encourage or suspend sibling  
37 interaction, any order placing a child in foster care, and ordering  
38 reunification services, shall provide as follows:

1 (1) (A) Subject to subparagraph (B), for visitation between the  
2 parent or guardian and the child. Visitation shall be as frequent as  
3 possible, consistent with the well-being of the child.

4 (B) No visitation order shall jeopardize the safety of the child.  
5 To protect the safety of the child, the court may keep the child's  
6 address confidential. If the parent of the child has been convicted  
7 of murder in the first degree, as defined in Section 189 of the Penal  
8 Code, and the victim of the murder was the other parent of the  
9 child, the court shall order visitation between the child and the  
10 parent only if that order would be consistent with Section 3030 of  
11 the Family Code.

12 (2) Pursuant to subdivision (b) of Section 16002, for visitation  
13 between the child and any siblings, unless the court finds by clear  
14 and convincing evidence that sibling interaction is contrary to the  
15 safety or well-being of either child.

16 (3) Pursuant to subdivision (c) of Section 16002, for review of  
17 the reasons for any suspension of sibling interaction at each  
18 periodic review hearing pursuant to Section 366, and for a  
19 requirement that, in order for a suspension to continue, the court  
20 shall make a renewed finding that sibling interaction is contrary  
21 to the safety or well-being of either child.

22 (4) If the child is a teen parent who has custody of his or her  
23 child and that child is not a dependent of the court pursuant to this  
24 chapter, for visitation among the teen parent, the child's  
25 noncustodial parent, and appropriate family members, unless the  
26 court finds by clear and convincing evidence that visitation would  
27 be detrimental to the teen parent.

28 (b) When reunification services are not ordered pursuant to  
29 Section 361.5, the child's plan for legal permanency shall include  
30 consideration of the existence of and the relationship with any  
31 sibling pursuant to Section 16002, including their impact on  
32 placement and visitation.

33 (c) As used in this section, "sibling" means a person related to  
34 the identified child by blood, adoption, or affinity through a  
35 common legal or biological parent.

36 SEC. 9. Section 366 of the Welfare and Institutions Code is  
37 amended to read:

38 366. (a) (1) The status of every dependent child in foster care  
39 shall be reviewed periodically as determined by the court but no  
40 less frequently than once every six months, as calculated from the

1 date of the original dispositional hearing, until the hearing  
2 described in Section 366.26 is completed. The court shall consider  
3 the safety of the child and shall determine all of the following:

4 (A) The continuing necessity for and appropriateness of the  
5 placement.

6 (B) The extent of the agency's compliance with the case plan  
7 in making reasonable efforts, or, in the case of a child 16 years of  
8 age or older with another planned permanent living arrangement,  
9 the ongoing and intensive efforts, or, in the case of an Indian child,  
10 active efforts as described in Section 361.7, to return the child to  
11 a safe home and to complete any steps necessary to finalize the  
12 permanent placement of the child, including efforts to maintain  
13 relationships between a child who is 10 years of age or older and  
14 who has been in an out-of-home placement for six months or  
15 longer, and individuals other than the child's siblings who are  
16 important to the child, consistent with the child's best interests.

17 (C) Whether there should be any limitation on the right of the  
18 parent or guardian to make educational decisions or developmental  
19 services decisions for the child. That limitation shall be specifically  
20 addressed in the court order and may not exceed those necessary  
21 to protect the child. Whenever the court specifically limits the right  
22 of the parent or guardian to make educational decisions or  
23 developmental services decisions for the child, the court shall at  
24 the same time appoint a responsible adult to make educational  
25 decisions or developmental services decisions for the child pursuant  
26 to Section 361.

27 (D) (i) Whether the child has other siblings under the court's  
28 jurisdiction, and, if any siblings exist, all of the following:

29 (I) The nature of the relationship between the child and his or  
30 her siblings.

31 (II) The appropriateness of developing or maintaining the sibling  
32 relationships pursuant to Section 16002.

33 (III) If the siblings are not placed together in the same home,  
34 why the siblings are not placed together and what efforts are being  
35 made to place the siblings together, or why those efforts are not  
36 appropriate.

37 (IV) If the siblings are not placed together, all of the following:

38 (ia) The frequency and nature of the visits between the siblings.

39 (ib) If there are visits between the siblings, whether the visits  
40 are supervised or unsupervised. If the visits are supervised, a

1 discussion of the reasons why the visits are supervised, and what  
2 needs to be accomplished in order for the visits to be unsupervised.

3 (ic) If there are visits between the siblings, a description of the  
4 location and length of the visits.

5 (id) Any plan to increase visitation between the siblings.

6 (V) The impact of the sibling relationships on the child's  
7 placement and planning for legal permanence.

8 (VI) The continuing need to suspend sibling interaction, if  
9 applicable, pursuant to subdivision (c) of Section 16002.

10 (ii) The factors the court may consider in making a determination  
11 regarding the nature of the child's sibling relationships may  
12 include, but are not limited to, whether the siblings were raised  
13 together in the same home, whether the siblings have shared  
14 significant common experiences or have existing close and strong  
15 bonds, whether either sibling expresses a desire to visit or live with  
16 his or her sibling, as applicable, and whether ongoing contact is  
17 in the child's best emotional interests.

18 (E) The extent of progress that has been made toward alleviating  
19 or mitigating the causes necessitating placement in foster care.

20 (F) If the review hearing is the last review hearing to be held  
21 before the child attains 18 years of age, the court shall conduct the  
22 hearing pursuant to Section 366.31 or 366.32.

23 (2) The court shall project a likely date by which the child may  
24 be returned to and safely maintained in the home or placed for  
25 adoption, tribal customary adoption in the case of an Indian child,  
26 legal guardianship, placed with a fit and willing relative, or in  
27 another planned permanent living arrangement.

28 (b) Subsequent to the hearing, periodic reviews of each child  
29 in foster care shall be conducted pursuant to the requirements of  
30 Sections 366.3 and 16503.

31 (c) If the child has been placed out of state, each review  
32 described in subdivision (a) and any reviews conducted pursuant  
33 to Sections 366.3 and 16503 shall also address whether the  
34 out-of-state placement continues to be the most appropriate  
35 placement selection and in the best interests of the child.

36 (d) (1) A review described in subdivision (a) and any reviews  
37 conducted pursuant to Sections 366.3 and 16503 shall not result  
38 in a placement of a child outside the United States prior to a judicial  
39 finding that the placement is in the best interest of the child, except  
40 as required by federal law or treaty.



1 (2) The party or agency requesting placement of the child outside  
2 the United States shall carry the burden of proof and must show,  
3 by clear and convincing evidence, that a placement outside the  
4 United States is in the best interest of the child.

5 (3) In determining the best interest of the child, the court shall  
6 consider, but not be limited to, the following factors:

7 (A) Placement with a relative.

8 (B) Placement of siblings in the same home.

9 (C) Amount and nature of any contact between the child and  
10 the potential guardian or caretaker.

11 (D) Physical and medical needs of the dependent child.

12 (E) Psychological and emotional needs of the dependent child.

13 (F) Social, cultural, and educational needs of the dependent  
14 child.

15 (G) Specific desires of any dependent child who is 12 years of  
16 age or older.

17 (4) If the court finds that a placement outside the United States  
18 is, by clear and convincing evidence, in the best interest of the  
19 child, the court may issue an order authorizing the social worker  
20 or placing agency to make a placement outside the United States.  
21 A child subject to this subdivision shall not leave the United States  
22 prior to the issuance of the order described in this paragraph.

23 (5) For purposes of this subdivision, “outside the United States”  
24 shall not include the lands of any federally recognized American  
25 Indian tribe or Alaskan Natives.

26 (6) This section shall not apply to the placement of a dependent  
27 child with a parent.

28 (e) A child may not be placed in an out-of-state group home,  
29 or remain in an out-of-state group home, unless the group home  
30 is in compliance with Section 7911.1 of the Family Code.

31 (f) The status review of every nonminor dependent, as defined  
32 in subdivision (v) of Section 11400, shall be conducted pursuant  
33 to the requirements of Sections 366.3, 366.31, or 366.32, and 16503  
34 until dependency jurisdiction is terminated pursuant to Section  
35 391.

36 SEC. 10. Section 366.21 of the Welfare and Institutions Code  
37 is amended to read:

38 366.21. (a) Every hearing conducted by the juvenile court  
39 reviewing the status of a dependent child shall be placed on the  
40 appearance calendar. The court shall advise all persons present at

1 the hearing of the date of the future hearing and of their right to  
2 be present and represented by counsel.

3 (b) Except as provided in Sections 294 and 295, notice of the  
4 hearing shall be provided pursuant to Section 293.

5 (c) At least 10 calendar days prior to the hearing, the social  
6 worker shall file a supplemental report with the court regarding  
7 the services provided or offered to the parent or legal guardian to  
8 enable him or her to assume custody and the efforts made to  
9 achieve legal permanence for the child if efforts to reunify fail,  
10 including, but not limited to, efforts to maintain relationships  
11 between a child who is 10 years of age or older and has been in  
12 out-of-home placement for six months or longer and individuals  
13 who are important to the child, consistent with the child's best  
14 interests; the progress made; and, where relevant, the prognosis  
15 for return of the child to the physical custody of his or her parent  
16 or legal guardian; and shall make his or her recommendation for  
17 disposition. If the child is a member of a sibling group described  
18 in subparagraph (C) of paragraph (1) of subdivision (a) of Section  
19 361.5, the report and recommendation may also take into account  
20 those factors described in subdivision (e) relating to the child's  
21 sibling group. If the recommendation is not to return the child to  
22 a parent or legal guardian, the report shall specify why the return  
23 of the child would be detrimental to the child. The social worker  
24 shall provide the parent or legal guardian, counsel for the child,  
25 and any court-appointed child advocate with a copy of the report,  
26 including his or her recommendation for disposition, at least 10  
27 calendar days prior to the hearing. In the case of a child removed  
28 from the physical custody of his or her parent or legal guardian,  
29 the social worker shall, at least 10 calendar days prior to the  
30 hearing, provide a summary of his or her recommendation for  
31 disposition to any foster parents, relative caregivers, and certified  
32 foster parents who have been approved for adoption by the State  
33 Department of Social Services when it is acting as an adoption  
34 agency or by a county adoption agency, community care facility,  
35 or foster family agency having the physical custody of the child.  
36 The social worker shall include a copy of the Judicial Council  
37 Caregiver Information Form (JV-290) with the summary of  
38 recommendations to the child's foster parents, relative caregivers,  
39 or foster parents approved for adoption, in the caregiver's primary

1 language when available, along with information on how to file  
2 the form with the court.

3 (d) Prior to any hearing involving a child in the physical custody  
4 of a community care facility or a foster family agency that may  
5 result in the return of the child to the physical custody of his or  
6 her parent or legal guardian, or in adoption or the creation of a  
7 legal guardianship, or in the case of an Indian child, in consultation  
8 with the child's tribe, tribal customary adoption, the facility or  
9 agency shall file with the court a report, or a Judicial Council  
10 Caregiver Information Form (JV-290), containing its  
11 recommendation for disposition. Prior to the hearing involving a  
12 child in the physical custody of a foster parent, a relative caregiver,  
13 or a certified foster parent who has been approved for adoption by  
14 the State Department of Social Services when it is acting as an  
15 adoption agency or by a county adoption agency, the foster parent,  
16 relative caregiver, or the certified foster parent who has been  
17 approved for adoption by the State Department of Social Services  
18 when it is acting as an adoption agency or by a county adoption  
19 agency, may file with the court a report containing his or her  
20 recommendation for disposition. The court shall consider the report  
21 and recommendation filed pursuant to this subdivision prior to  
22 determining any disposition.

23 (e) (1) At the review hearing held six months after the initial  
24 dispositional hearing, but no later than 12 months after the date  
25 the child entered foster care as determined in Section 361.49,  
26 whichever occurs earlier, after considering the admissible and  
27 relevant evidence, the court shall order the return of the child to  
28 the physical custody of his or her parent or legal guardian unless  
29 the court finds, by a preponderance of the evidence, that the return  
30 of the child to his or her parent or legal guardian would create a  
31 substantial risk of detriment to the safety, protection, or physical  
32 or emotional well-being of the child. The social worker shall have  
33 the burden of establishing that detriment. At the hearing, the court  
34 shall consider the criminal history, obtained pursuant to paragraph  
35 (1) of subdivision (f) of Section 16504.5, of the parent or legal  
36 guardian subsequent to the child's removal to the extent that the  
37 criminal record is substantially related to the welfare of the child  
38 or the parent's or guardian's ability to exercise custody and control  
39 regarding his or her child, provided the parent or legal guardian  
40 agreed to submit fingerprint images to obtain criminal history

1 information as part of the case plan. The court shall also consider  
2 whether the child can be returned to the custody of his or her parent  
3 who is enrolled in a certified substance abuse treatment facility  
4 that allows a dependent child to reside with his or her parent. The  
5 fact that the parent is enrolled in a certified substance abuse  
6 treatment facility shall not be, for that reason alone, prima facie  
7 evidence of detriment. The failure of the parent or legal guardian  
8 to participate regularly and make substantive progress in  
9 court-ordered treatment programs shall be prima facie evidence  
10 that return would be detrimental. In making its determination, the  
11 court shall review and consider the social worker's report and  
12 recommendations and the report and recommendations of any child  
13 advocate appointed pursuant to Section 356.5; and shall consider  
14 the efforts or progress, or both, demonstrated by the parent or legal  
15 guardian and the extent to which he or she availed himself or  
16 herself to services provided, taking into account the particular  
17 barriers to an incarcerated, institutionalized, detained, or deported  
18 parent's or legal guardian's access to those court-mandated services  
19 and ability to maintain contact with his or her child.

20 (2) Regardless of whether the child is returned to a parent or  
21 legal guardian, the court shall specify the factual basis for its  
22 conclusion that the return would be detrimental or would not be  
23 detrimental. The court also shall make appropriate findings  
24 pursuant to subdivision (a) of Section 366; and, where relevant,  
25 shall order any additional services reasonably believed to facilitate  
26 the return of the child to the custody of his or her parent or legal  
27 guardian. The court shall also inform the parent or legal guardian  
28 that if the child cannot be returned home by the 12-month  
29 permanency hearing, a proceeding pursuant to Section 366.26 may  
30 be instituted. This section does not apply in a case where, pursuant  
31 to Section 361.5, the court has ordered that reunification services  
32 shall not be provided.

33 (3) If the child was under three years of age on the date of the  
34 initial removal, or is a member of a sibling group described in  
35 subparagraph (C) of paragraph (1) of subdivision (a) of Section  
36 361.5, and the court finds by clear and convincing evidence that  
37 the parent failed to participate regularly and make substantive  
38 progress in a court-ordered treatment plan, the court may schedule  
39 a hearing pursuant to Section 366.26 within 120 days. If, however,  
40 the court finds there is a substantial probability that the child, who

1 was under three years of age on the date of initial removal or is a  
2 member of a sibling group described in subparagraph (C) of  
3 paragraph (1) of subdivision (a) of Section 361.5, may be returned  
4 to his or her parent or legal guardian within six months or that  
5 reasonable services have not been provided, the court shall continue  
6 the case to the 12-month permanency hearing.

7 (4) For the purpose of placing and maintaining a sibling group  
8 together in a permanent home, the court, in making its  
9 determination to schedule a hearing pursuant to Section 366.26  
10 for some or all members of a sibling group, as described in  
11 subparagraph (C) of paragraph (1) of subdivision (a) of Section  
12 361.5, shall review and consider the social worker's report and  
13 recommendations. Factors the report shall address, and the court  
14 shall consider, may include, but need not be limited to, whether  
15 the sibling group was removed from parental care as a group, the  
16 closeness and strength of the sibling bond, the ages of the siblings,  
17 the appropriateness of maintaining the sibling group together, the  
18 detriment to the child if sibling ties are not maintained, the  
19 likelihood of finding a permanent home for the sibling group,  
20 whether the sibling group is currently placed together in a  
21 preadoptive home or has a concurrent plan goal of legal  
22 permanency in the same home, the wishes of each child whose  
23 age and physical and emotional condition permits a meaningful  
24 response, and the best interests of each child in the sibling group.  
25 The court shall specify the factual basis for its finding that it is in  
26 the best interests of each child to schedule a hearing pursuant to  
27 Section 366.26 within 120 days for some or all of the members of  
28 the sibling group.

29 (5) If the child was removed initially under subdivision (g) of  
30 Section 300 and the court finds by clear and convincing evidence  
31 that the whereabouts of the parent are still unknown, or the parent  
32 has failed to contact and visit the child, the court may schedule a  
33 hearing pursuant to Section 366.26 within 120 days. The court  
34 shall take into account any particular barriers to a parent's ability  
35 to maintain contact with his or her child due to the parent's  
36 incarceration, institutionalization, detention by the United States  
37 Department of Homeland Security, or deportation. If the court  
38 finds by clear and convincing evidence that the parent has been  
39 convicted of a felony indicating parental unfitness, the court may  
40 schedule a hearing pursuant to Section 366.26 within 120 days.

(6) If the child had been placed under court supervision with a previously noncustodial parent pursuant to Section 361.2, the court shall determine whether supervision is still necessary. The court may terminate supervision and transfer permanent custody to that parent, as provided for by paragraph (1) of subdivision (b) of Section 361.2.

(7) In all other cases, the court shall direct that any reunification services previously ordered shall continue to be offered to the parent or legal guardian pursuant to the time periods set forth in subdivision (a) of Section 361.5, provided that the court may modify the terms and conditions of those services.

(8) If the child is not returned to his or her parent or legal guardian, the court shall determine whether reasonable services that were designed to aid the parent or legal guardian in overcoming the problems that led to the initial removal and the continued custody of the child have been provided or offered to the parent or legal guardian. The court shall order that those services be initiated, continued, or terminated.

(f) (1) The permanency hearing shall be held no later than 12 months after the date the child entered foster care, as that date is determined pursuant to Section 361.49. At the permanency hearing, the court shall determine the permanent plan for the child, which shall include a determination of whether the child will be returned to the child's home and, if so, when, within the time limits of subdivision (a) of Section 361.5. After considering the relevant and admissible evidence, the court shall order the return of the child to the physical custody of his or her parent or legal guardian unless the court finds, by a preponderance of the evidence, that the return of the child to his or her parent or legal guardian would create a substantial risk of detriment to the safety, protection, or physical or emotional well-being of the child. The social worker shall have the burden of establishing that detriment.

(A) At the permanency hearing, the court shall consider the criminal history, obtained pursuant to paragraph (1) of subdivision (f) of Section 16504.5, of the parent or legal guardian subsequent to the child's removal to the extent that the criminal record is substantially related to the welfare of the child or the parent's or legal guardian's ability to exercise custody and control regarding his or her child, provided that the parent or legal guardian agreed to submit fingerprint images to obtain criminal history information

1 as part of the case plan. The court shall also determine whether  
2 reasonable services that were designed to aid the parent or legal  
3 guardian to overcome the problems that led to the initial removal  
4 and continued custody of the child have been provided or offered  
5 to the parent or legal guardian.

6 (B) The court shall also consider whether the child can be  
7 returned to the custody of his or her parent who is enrolled in a  
8 certified substance abuse treatment facility that allows a dependent  
9 child to reside with his or her parent. The fact that the parent is  
10 enrolled in a certified substance abuse treatment facility shall not  
11 be, for that reason alone, prima facie evidence of detriment. The  
12 failure of the parent or legal guardian to participate regularly and  
13 make substantive progress in court-ordered treatment programs  
14 shall be prima facie evidence that return would be detrimental.

15 (C) In making its determination, the court shall review and  
16 consider the social worker's report and recommendations and the  
17 report and recommendations of any child advocate appointed  
18 pursuant to Section 356.5, shall consider the efforts or progress,  
19 or both, demonstrated by the parent or legal guardian and the extent  
20 to which he or she availed himself or herself of services provided,  
21 taking into account the particular barriers to an incarcerated,  
22 institutionalized, detained, or deported parent's or legal guardian's  
23 access to those court-mandated services and ability to maintain  
24 contact with his or her child, and shall make appropriate findings  
25 pursuant to subdivision (a) of Section 366.

26 (D) For each youth 16 years of age and older, the court shall  
27 also determine whether services have been made available to assist  
28 him or her in making the transition from foster care to successful  
29 adulthood.

30 (2) Regardless of whether the child is returned to his or her  
31 parent or legal guardian, the court shall specify the factual basis  
32 for its decision. If the child is not returned to a parent or legal  
33 guardian, the court shall specify the factual basis for its conclusion  
34 that the return would be detrimental. The court also shall make a  
35 finding pursuant to subdivision (a) of Section 366. If the child is  
36 not returned to his or her parent or legal guardian, the court shall  
37 consider, and state for the record, in-state and out-of-state  
38 placement options. If the child is placed out of the state, the court  
39 shall make a determination whether the out-of-state placement  
40 continues to be appropriate and in the best interests of the child.

(g) If the time period in which the court-ordered services were provided has met or exceeded the time period set forth in subparagraph (A), (B), or (C) of paragraph (1) of subdivision (a) of Section 361.5, as appropriate, and a child is not returned to the custody of a parent or legal guardian at the permanency hearing held pursuant to subdivision (f), the court shall do one of the following:

(1) Continue the case for up to six months for a permanency review hearing, provided that the hearing shall occur within 18 months of the date the child was originally taken from the physical custody of his or her parent or legal guardian. The court shall continue the case only if it finds that there is a substantial probability that the child will be returned to the physical custody of his or her parent or legal guardian and safely maintained in the home within the extended period of time or that reasonable services have not been provided to the parent or legal guardian. For the purposes of this section, in order to find a substantial probability that the child will be returned to the physical custody of his or her parent or legal guardian and safely maintained in the home within the extended period of time, the court shall be required to find all of the following:

(A) That the parent or legal guardian has consistently and regularly contacted and visited with the child.

(B) That the parent or legal guardian has made significant progress in resolving problems that led to the child's removal from the home.

(C) The parent or legal guardian has demonstrated the capacity and ability both to complete the objectives of his or her treatment plan and to provide for the child's safety, protection, physical and emotional well-being, and special needs.

(i) For purposes of this subdivision, the court's decision to continue the case based on a finding or substantial probability that the child will be returned to the physical custody of his or her parent or legal guardian is a compelling reason for determining that a hearing held pursuant to Section 366.26 is not in the best interests of the child.

(ii) The court shall inform the parent or legal guardian that if the child cannot be returned home by the next permanency review hearing, a proceeding pursuant to Section 366.26 may be instituted. The court shall not order that a hearing pursuant to Section 366.26



1 be held unless there is clear and convincing evidence that  
2 reasonable services have been provided or offered to the parent or  
3 legal guardian.

4 (2) Continue the case for up to six months for a permanency  
5 review hearing, provided that the hearing shall occur within 18  
6 months of the date the child was originally taken from the physical  
7 custody of his or her parent or legal guardian, if the parent has  
8 been arrested and issued an immigration hold, detained by the  
9 United States Department of Homeland Security, or deported to  
10 his or her country of origin, and the court determines either that  
11 there is a substantial probability that the child will be returned to  
12 the physical custody of his or her parent or legal guardian and  
13 safely maintained in the home within the extended period of time  
14 or that reasonable services have not been provided to the parent  
15 or legal guardian.

16 (3) For purposes of paragraph (2), in order to find a substantial  
17 probability that the child will be returned to the physical custody  
18 of his or her parent or legal guardian and safely maintained in the  
19 home within the extended period of time, the court shall find all  
20 of the following:

21 (A) The parent or legal guardian has consistently and regularly  
22 contacted and visited with the child, taking into account any  
23 particular barriers to a parent's ability to maintain contact with his  
24 or her child due to the parent's arrest and receipt of an immigration  
25 hold, detention by the United States Department of Homeland  
26 Security, or deportation.

27 (B) The parent or legal guardian has made significant progress  
28 in resolving the problems that led to the child's removal from the  
29 home.

30 (C) The parent or legal guardian has demonstrated the capacity  
31 or ability both to complete the objectives of his or her treatment  
32 plan and to provide for the child's safety, protection, physical and  
33 emotional well-being, and special needs.

34 (4) Order that a hearing be held within 120 days, pursuant to  
35 Section 366.26, but only if the court does not continue the case to  
36 the permanency planning review hearing and there is clear and  
37 convincing evidence that reasonable services have been provided  
38 or offered to the parents or legal guardians. On and after January  
39 1, 2012, a hearing pursuant to Section 366.26 shall not be ordered  
40 if the child is a nonminor dependent, unless the nonminor

1 dependent is an Indian child and tribal customary adoption is  
2 recommended as the permanent plan.

3 (5) Order that the child remain in foster care, but only if the  
4 court finds by clear and convincing evidence, based upon the  
5 evidence already presented to it, including a recommendation by  
6 the State Department of Social Services when it is acting as an  
7 adoption agency or by a county adoption agency, that there is a  
8 compelling reason for determining that a hearing held pursuant to  
9 Section 366.26 is not in the best interests of the child because the  
10 child is not a proper subject for adoption and has no one willing  
11 to accept legal guardianship as of the hearing date. For purposes  
12 of this section, a recommendation by the State Department of  
13 Social Services when it is acting as an adoption agency or by a  
14 county adoption agency that adoption is not in the best interests  
15 of the child shall constitute a compelling reason for the court's  
16 determination. That recommendation shall be based on the present  
17 circumstances of the child and shall not preclude a different  
18 recommendation at a later date if the child's circumstances change.  
19 On and after January 1, 2012, the nonminor dependent's legal  
20 status as an adult is in and of itself a compelling reason not to hold  
21 a hearing pursuant to Section 366.26. The court may order that a  
22 nonminor dependent who otherwise is eligible pursuant to Section  
23 11403 remain in a planned, permanent living arrangement.

24 (A) The court shall make factual findings identifying any  
25 barriers to achieving the permanent plan as of the hearing date.  
26 When the child is under 16 years of age, the court shall order a  
27 permanent plan of return home, adoption, tribal customary adoption  
28 in the case of an Indian child, legal guardianship, or placement  
29 with a fit and willing relative, as appropriate. When the child is  
30 16 years of age or older, or is a nonminor dependent, and no other  
31 permanent plan is appropriate at the time of the hearing, the court  
32 may order another planned permanent living arrangement, as  
33 described in paragraph (2) of subdivision (i) of Section 16501.

34 (B) If the court orders that a child who is 10 years of age or  
35 older remain in foster care, the court shall determine whether the  
36 agency has made reasonable efforts to maintain the child's  
37 relationships with individuals other than the child's siblings who  
38 are important to the child, consistent with the child's best interests,  
39 and may make any appropriate order to ensure that those  
40 relationships are maintained.

1 (C) If the child is not returned to his or her parent or legal  
2 guardian, the court shall consider, and state for the record, in-state  
3 and out-of-state options for permanent placement. If the child is  
4 placed out of the state, the court shall make a determination  
5 whether the out-of-state placement continues to be appropriate and  
6 in the best interests of the child.

7 (h) In any case in which the court orders that a hearing pursuant  
8 to Section 366.26 shall be held, it shall also order the termination  
9 of reunification services to the parent or legal guardian. The court  
10 shall continue to permit the parent or legal guardian to visit the  
11 child pending the hearing unless it finds that visitation would be  
12 detrimental to the child. The court shall make any other appropriate  
13 orders to enable the child to maintain relationships with individuals,  
14 other than the child's siblings, who are important to the child,  
15 consistent with the child's best interests. When the court orders a  
16 termination of reunification services to the parent or legal guardian,  
17 it shall also order that the child's caregiver receive the child's birth  
18 certificate in accordance with Sections 16010.4 and 16010.5.  
19 Additionally, when the court orders a termination of reunification  
20 services to the parent or legal guardian, it shall order, when  
21 appropriate, that a child who is 16 years of age or older receive  
22 his or her birth certificate.

23 (i) (1) Whenever a court orders that a hearing pursuant to  
24 Section 366.26, including, when, in consultation with the child's  
25 tribe, tribal customary adoption is recommended, shall be held, it  
26 shall direct the agency supervising the child and the county  
27 adoption agency, or the State Department of Social Services when  
28 it is acting as an adoption agency, to prepare an assessment that  
29 shall include:

30 (A) Current search efforts for an absent parent or parents or  
31 legal guardians.

32 (B) A review of the amount of and nature of any contact between  
33 the child and his or her parents or legal guardians and other  
34 members of his or her extended family since the time of placement.  
35 Although the extended family of each child shall be reviewed on  
36 a case-by-case basis, "extended family" for the purpose of this  
37 subparagraph shall include, but not be limited to, the child's  
38 siblings, grandparents, aunts, and uncles.

39 (C) An evaluation of the child's medical, developmental,  
40 scholastic, mental, and emotional status.

(D) A preliminary assessment of the eligibility and commitment of any identified prospective adoptive parent or legal guardian, including the prospective tribal customary adoptive parent, particularly the caretaker, to include a social history including screening for criminal records and prior referrals for child abuse or neglect, the capability to meet the child's needs, and the understanding of the legal and financial rights and responsibilities of adoption and guardianship. If a proposed guardian is a relative of the minor, the assessment shall also consider, but need not be limited to, all of the factors specified in subdivision (a) of Section 361.3 and in Section 361.4.

(E) The relationship of the child to any identified prospective adoptive parent or legal guardian, the duration and character of the relationship, the degree of attachment of the child to the prospective relative guardian or adoptive parent, the relative's or adoptive parent's strong commitment to caring permanently for the child, the motivation for seeking adoption or guardianship, a statement from the child concerning placement and the adoption or guardianship, and whether the child, if over 12 years of age, has been consulted about the proposed relative guardianship arrangements, unless the child's age or physical, emotional, or other condition precludes his or her meaningful response, and if so, a description of the condition.

(F) A description of efforts to be made to identify a prospective adoptive parent or legal guardian, including, but not limited to, child-specific recruitment and listing on an adoption exchange within the state or out of the state.

(G) An analysis of the likelihood that the child will be adopted if parental rights are terminated.

(H) In the case of an Indian child, in addition to subparagraphs (A) to (G), inclusive, an assessment of the likelihood that the child will be adopted, when, in consultation with the child's tribe, a tribal customary adoption, as defined in Section 366.24, is recommended. If tribal customary adoption is recommended, the assessment shall include an analysis of both of the following:

(i) Whether tribal customary adoption would or would not be detrimental to the Indian child and the reasons for reaching that conclusion.

1 (ii) Whether the Indian child cannot or should not be returned  
2 to the home of the Indian parent or Indian custodian and the reasons  
3 for reaching that conclusion.

4 (2) (A) A relative caregiver's preference for legal guardianship  
5 over adoption, if it is due to circumstances that do not include an  
6 unwillingness to accept legal or financial responsibility for the  
7 child, shall not constitute the sole basis for recommending removal  
8 of the child from the relative caregiver for purposes of adoptive  
9 placement.

10 (B) Regardless of his or her immigration status, a relative  
11 caregiver shall be given information regarding the permanency  
12 options of guardianship and adoption, including the long-term  
13 benefits and consequences of each option, prior to establishing  
14 legal guardianship or pursuing adoption. If the proposed permanent  
15 plan is guardianship with an approved relative caregiver for a  
16 minor eligible for aid under the Kin-GAP Program, as provided  
17 for in Article 4.7 (commencing with Section 11385) of Chapter 2  
18 of Part 3 of Division 9, the relative caregiver shall be informed  
19 about the terms and conditions of the negotiated agreement  
20 pursuant to Section 11387 and shall agree to its execution prior to  
21 the hearing held pursuant to Section 366.26. A copy of the executed  
22 negotiated agreement shall be attached to the assessment.

23 (j) If, at any hearing held pursuant to Section 366.26, a  
24 guardianship is established for the minor with an approved relative  
25 caregiver, and juvenile court dependency is subsequently  
26 dismissed, the minor shall be eligible for aid under the Kin-GAP  
27 Program, as provided for in Article 4.5 (commencing with Section  
28 11360) or Article 4.7 (commencing with Section 11385), as  
29 applicable, of Chapter 2 of Part 3 of Division 9.

30 (k) As used in this section, "relative" means an adult who is  
31 related to the minor by blood, adoption, or affinity within the fifth  
32 degree of kinship, including stepparents, stepsiblings, and all  
33 relatives whose status is preceded by the words "great,"  
34 "great-great," or "grand," or the spouse of any of those persons  
35 even if the marriage was terminated by death or dissolution. If the  
36 proposed permanent plan is guardianship with an approved relative  
37 caregiver for a minor eligible for aid under the Kin-GAP Program,  
38 as provided for in Article 4.7 (commencing with Section 11385)  
39 of Chapter 2 of Part 3 of Division 9, "relative" as used in this

1 section has the same meaning as “relative” as defined in  
2 subdivision (c) of Section 11391.

3 (l) For purposes of this section, evidence of any of the following  
4 circumstances may not, in and of itself, be deemed a failure to  
5 provide or offer reasonable services:

6 (1) The child has been placed with a foster family that is eligible  
7 to adopt a child, or has been placed in a preadoptive home.

8 (2) The case plan includes services to make and finalize a  
9 permanent placement for the child if efforts to reunify fail.

10 (3) Services to make and finalize a permanent placement for  
11 the child, if efforts to reunify fail, are provided concurrently with  
12 services to reunify the family.

13 *SEC. 10.5. Section 366.21 of the Welfare and Institutions Code*  
14 *is amended to read:*

15 366.21. (a) Every hearing conducted by the juvenile court  
16 reviewing the status of a dependent child shall be placed on the  
17 appearance calendar. The court shall advise all persons present at  
18 the hearing of the date of the future hearing and of their right to  
19 be present and represented by counsel.

20 (b) Except as provided in Sections 294 and 295, notice of the  
21 hearing shall be provided pursuant to Section 293.

22 (c) At least 10 calendar days prior to the hearing, the social  
23 worker shall file a supplemental report with the court regarding  
24 the services provided or offered to the parent or legal guardian to  
25 enable him or her to assume custody and the efforts made to  
26 achieve legal permanence for the child if efforts to reunify fail,  
27 including, but not limited to, efforts to maintain relationships  
28 between a child who is 10 years of age or older and has been in  
29 out-of-home placement for six months or longer and individuals  
30 who are important to the child, consistent with the child’s best  
31 interests; the progress made; and, where relevant, the prognosis  
32 for return of the child to the physical custody of his or her parent  
33 or legal guardian; and shall make his or her recommendation for  
34 disposition. If the child is a member of a sibling group described  
35 in subparagraph (C) of paragraph (1) of subdivision (a) of Section  
36 361.5, the report and recommendation may also take into account  
37 those factors described in subdivision (e) relating to the child’s  
38 sibling group. If the recommendation is not to return the child to  
39 a parent or legal guardian, the report shall specify why the return  
40 of the child would be detrimental to the child. The social worker

1 shall provide the parent or legal guardian, counsel for the child,  
2 and any court-appointed child advocate with a copy of the report,  
3 including his or her recommendation for disposition, at least 10  
4 calendar days prior to the hearing. In the case of a child removed  
5 from the physical custody of his or her parent or legal guardian,  
6 the social worker shall, at least 10 calendar days prior to the  
7 hearing, provide a summary of his or her recommendation for  
8 disposition to any foster parents, relative caregivers, and certified  
9 foster parents who have been approved for adoption by the State  
10 Department of Social Services when it is acting as an adoption  
11 agency or by a county adoption agency, community care facility,  
12 or foster family agency having the physical custody of the child.  
13 The social worker shall include a copy of the Judicial Council  
14 Caregiver Information Form (JV-290) with the summary of  
15 recommendations to the child's foster parents, relative caregivers,  
16 or foster parents approved for adoption, in the caregiver's primary  
17 language when available, along with information on how to file  
18 the form with the court.

19 (d) Prior to any hearing involving a child in the physical custody  
20 of a community care facility or a foster family agency that may  
21 result in the return of the child to the physical custody of his or  
22 her parent or legal guardian, or in adoption or the creation of a  
23 legal guardianship, or in the case of an Indian child, in consultation  
24 with the child's tribe, tribal customary adoption, the facility or  
25 agency shall file with the court a report, or a Judicial Council  
26 Caregiver Information Form (JV-290), containing its  
27 recommendation for disposition. Prior to the hearing involving a  
28 child in the physical custody of a foster parent, a relative caregiver,  
29 or a certified foster parent who has been approved for adoption by  
30 the State Department of Social Services when it is acting as an  
31 adoption agency or by a county adoption agency, the foster parent,  
32 relative caregiver, or the certified foster parent who has been  
33 approved for adoption by the State Department of Social Services  
34 when it is acting as an adoption agency or by a county adoption  
35 agency, may file with the court a report containing his or her  
36 recommendation for disposition. The court shall consider the report  
37 and recommendation filed pursuant to this subdivision prior to  
38 determining any disposition.

39 (e) (1) At the review hearing held six months after the initial  
40 dispositional hearing, but no later than 12 months after the date

1 the child entered foster care as determined in Section 361.49,  
2 whichever occurs earlier, after considering the admissible and  
3 relevant evidence, the court shall order the return of the child to  
4 the physical custody of his or her parent or legal guardian unless  
5 the court finds, by a preponderance of the evidence, that the return  
6 of the child to his or her parent or legal guardian would create a  
7 substantial risk of detriment to the safety, protection, or physical  
8 or emotional well-being of the child. The social worker shall have  
9 the burden of establishing that detriment. At the hearing, the court  
10 shall consider the criminal history, obtained pursuant to paragraph  
11 (1) of subdivision (f) of Section 16504.5, of the parent or legal  
12 guardian subsequent to the child's removal to the extent that the  
13 criminal record is substantially related to the welfare of the child  
14 or the parent's or guardian's ability to exercise custody and control  
15 regarding his or her child, provided the parent or legal guardian  
16 agreed to submit fingerprint images to obtain criminal history  
17 information as part of the case plan. The court shall also consider  
18 whether the child can be returned to the custody of his or her parent  
19 who is enrolled in a certified substance abuse treatment facility  
20 that allows a dependent child to reside with his or her parent. The  
21 fact that the parent is enrolled in a certified substance abuse  
22 treatment facility shall not be, for that reason alone, prima facie  
23 evidence of detriment. The failure of the parent or legal guardian  
24 to participate regularly and make substantive progress in  
25 court-ordered treatment programs shall be prima facie evidence  
26 that return would be detrimental. In making its determination, the  
27 court shall review and consider the social worker's report and  
28 recommendations and the report and recommendations of any child  
29 advocate appointed pursuant to Section 356.5; and shall consider  
30 the efforts or progress, or both, demonstrated by the parent or legal  
31 guardian and the extent to which he or she availed himself or  
32 herself ~~to~~ of services provided, taking into account the particular  
33 barriers to *a minor parent or a nonminor dependent parent*, or an  
34 incarcerated, institutionalized, detained, or deported parent's or  
35 legal guardian's access to those court-mandated services and ability  
36 to maintain contact with his or her child.

37 **Regardless**

38 (2) *Regardless* of whether the child is returned to a parent or  
39 legal guardian, the court shall specify the factual basis for its  
40 conclusion that the return would be detrimental or would not be



1 detrimental. The court also shall make appropriate findings  
2 pursuant to subdivision (a) of Section 366; and, where relevant,  
3 shall order any additional services reasonably believed to facilitate  
4 the return of the child to the custody of his or her parent or legal  
5 guardian. The court shall also inform the parent or legal guardian  
6 that if the child cannot be returned home by the 12-month  
7 permanency hearing, a proceeding pursuant to Section 366.26 may  
8 be instituted. This section does not apply in a case where, pursuant  
9 to Section 361.5, the court has ordered that reunification services  
10 shall not be provided.

11 If

12 (3) *If* the child was under three years of age on the date of the  
13 initial removal, or is a member of a sibling group described in  
14 subparagraph (C) of paragraph (1) of subdivision (a) of Section  
15 361.5, and the court finds by clear and convincing evidence that  
16 the parent failed to participate regularly and make substantive  
17 progress in a court-ordered treatment plan, the court may schedule  
18 a hearing pursuant to Section 366.26 within 120 days. If, however,  
19 the court finds there is a substantial probability that the child, who  
20 was under three years of age on the date of initial removal or is a  
21 member of a sibling group described in subparagraph (C) of  
22 paragraph (1) of subdivision (a) of Section 361.5, may be returned  
23 to his or her parent or legal guardian within six months or that  
24 reasonable services have not been provided, the court shall continue  
25 the case to the 12-month permanency hearing.

26 For

27 (4) *For* the purpose of placing and maintaining a sibling group  
28 together in a permanent home, the court, in making its  
29 determination to schedule a hearing pursuant to Section 366.26  
30 for some or all members of a sibling group, as described in  
31 subparagraph (C) of paragraph (1) of subdivision (a) of Section  
32 361.5, shall review and consider the social worker's report and  
33 recommendations. Factors the report shall address, and the court  
34 shall consider, may include, but need not be limited to, whether  
35 the sibling group was removed from parental care as a group, the  
36 closeness and strength of the sibling bond, the ages of the siblings,  
37 the appropriateness of maintaining the sibling group together, the  
38 detriment to the child if sibling ties are not maintained, the  
39 likelihood of finding a permanent home for the sibling group,  
40 whether the sibling group is currently placed together in a

1 preadoptive home or has a concurrent plan goal of legal  
2 permanency in the same home, the wishes of each child whose  
3 age and physical and emotional condition permits a meaningful  
4 response, and the best interests of each child in the sibling group.  
5 The court shall specify the factual basis for its finding that it is in  
6 the best interests of each child to schedule a hearing pursuant to  
7 Section 366.26 within 120 days for some or all of the members of  
8 the sibling group.

9 **If**

10 (5) *If* the child was removed initially under subdivision (g) of  
11 Section 300 and the court finds by clear and convincing evidence  
12 that the whereabouts of the parent are still unknown, or the parent  
13 has failed to contact and visit the child, the court may schedule a  
14 hearing pursuant to Section 366.26 within 120 days. The court  
15 shall take into account any particular barriers to a parent's ability  
16 to maintain contact with his or her child due to the parent's  
17 incarceration, institutionalization, detention by the United States  
18 Department of Homeland Security, or deportation. If the court  
19 finds by clear and convincing evidence that the parent has been  
20 convicted of a felony indicating parental unfitness, the court may  
21 schedule a hearing pursuant to Section 366.26 within 120 days.

22 **If**

23 (6) *If* the child had been placed under court supervision with a  
24 previously noncustodial parent pursuant to Section 361.2, the court  
25 shall determine whether supervision is still necessary. The court  
26 may terminate supervision and transfer permanent custody to that  
27 parent, as provided for by paragraph (1) of subdivision (b) of  
28 Section 361.2.

29 **In**

30 (7) *In* all other cases, the court shall direct that any reunification  
31 services previously ordered shall continue to be offered to the  
32 parent or legal guardian pursuant to the time periods set forth in  
33 subdivision (a) of Section 361.5, provided that the court may  
34 modify the terms and conditions of those services.

35 **If**

36 (8) *If* the child is not returned to his or her parent or legal  
37 guardian, the court shall determine whether reasonable services  
38 that were designed to aid the parent or legal guardian in  
39 overcoming the problems that led to the initial removal and the  
40 continued custody of the child have been provided or offered to

1 the parent or legal guardian. The court shall order that those  
2 services be initiated, continued, or terminated.

3 (f) (1) The permanency hearing shall be held no later than 12  
4 months after the date the child entered foster care, as that date is  
5 determined pursuant to Section 361.49. At the permanency hearing,  
6 the court shall determine the permanent plan for the child, which  
7 shall include a determination of whether the child will be returned  
8 to the child's home and, if so, when, within the time limits of  
9 subdivision (a) of Section 361.5. After considering the relevant  
10 and admissible evidence, the court shall order the return of the  
11 child to the physical custody of his or her parent or legal guardian  
12 unless the court finds, by a preponderance of the evidence, that  
13 the return of the child to his or her parent or legal guardian would  
14 create a substantial risk of detriment to the safety, protection, or  
15 physical or emotional well-being of the child. The social worker  
16 shall have the burden of establishing that detriment. ~~At~~

17 (A) ~~At~~ the permanency hearing, the court shall consider the  
18 criminal history, obtained pursuant to paragraph (1) of subdivision  
19 (f) of Section 16504.5, of the parent or legal guardian subsequent  
20 to the child's removal to the extent that the criminal record is  
21 substantially related to the welfare of the child or the parent's or  
22 legal guardian's ability to exercise custody and control regarding  
23 his or her child, provided that the parent or legal guardian agreed  
24 to submit fingerprint images to obtain criminal history information  
25 as part of the case plan. The court shall also determine whether  
26 reasonable services that were designed to aid the parent or legal  
27 guardian to overcome the problems that led to the initial removal  
28 and continued custody of the child have been provided or offered  
29 to the parent or legal guardian. ~~For each youth 16 years of age and~~  
30 ~~older, the court shall also determine whether services have been~~  
31 ~~made available to assist him or her in making the transition from~~  
32 ~~foster care to independent living. The~~

33 (B) The court shall also consider whether the child can be  
34 returned to the custody of his or her parent who is enrolled in a  
35 certified substance abuse treatment facility that allows a dependent  
36 child to reside with his or her parent. The fact that the parent is  
37 enrolled in a certified substance abuse treatment facility shall not  
38 be, for that reason alone, prima facie evidence of detriment. The  
39 failure of the parent or legal guardian to participate regularly and

1 make substantive progress in court-ordered treatment programs  
2 shall be prima facie evidence that return would be detrimental. ~~In~~

3 (C) *In making its determination, the court shall review and*  
4 *consider the social worker's report and recommendations and the*  
5 *report and recommendations of any child advocate appointed*  
6 *pursuant to Section 356.5, shall consider the efforts or progress,*  
7 *or both, demonstrated by the parent or legal guardian and the extent*  
8 *to which he or she availed himself or herself of services provided,*  
9 *taking into account the particular barriers to a minor parent or a*  
10 *nonminor dependent parent, or an incarcerated, institutionalized,*  
11 *detained, or deported parent's or legal guardian's access to those*  
12 *court-mandated services and ability to maintain contact with his*  
13 *or her child, and shall make appropriate findings pursuant to*  
14 *subdivision (a) of Section 366.*

15 (D) *For each youth 16 years of age and older, the court shall*  
16 *also determine whether services have been made available to assist*  
17 *him or her in making the transition from foster care to successful*  
18 *adulthood.*

19 **Regardless**

20 (2) *Regardless of whether the child is returned to his or her*  
21 *parent or legal guardian, the court shall specify the factual basis*  
22 *for its decision. If the child is not returned to a parent or legal*  
23 *guardian, the court shall specify the factual basis for its conclusion*  
24 *that the return would be detrimental. The court also shall make a*  
25 *finding pursuant to subdivision (a) of Section 366. If the child is*  
26 *not returned to his or her parent or legal guardian, the court shall*  
27 *consider, and state for the record, in-state and out-of-state*  
28 *placement options. If the child is placed out of the state, the court*  
29 *shall make a determination whether the out-of-state placement*  
30 *continues to be appropriate and in the best interests of the child.*

31 (g) *If the time period in which the court-ordered services were*  
32 *provided has met or exceeded the time period set forth in*  
33 *subparagraph (A), (B), or (C) of paragraph (1) of subdivision (a)*  
34 *of Section 361.5, as appropriate, and a child is not returned to the*  
35 *custody of a parent or legal guardian at the permanency hearing*  
36 *held pursuant to subdivision (f), the court shall do one of the*  
37 *following:*

38 (1) *Continue the case for up to six months for a permanency*  
39 *review hearing, provided that the hearing shall occur within 18*  
40 *months of the date the child was originally taken from the physical*

1 custody of his or her parent or legal guardian. The court shall  
2 continue the case only if it finds that there is a substantial  
3 probability that the child will be returned to the physical custody  
4 of his or her parent or legal guardian and safely maintained in the  
5 home within the extended period of time or that reasonable services  
6 have not been provided to the parent or legal guardian. For the  
7 purposes of this section, in order to find a substantial probability  
8 that the child will be returned to the physical custody of his or her  
9 parent or legal guardian and safely maintained in the home within  
10 the extended period of time, the court shall be required to find all  
11 of the following:

12 (A) That the parent or legal guardian has consistently and  
13 regularly contacted and visited with the child.

14 (B) That the parent or legal guardian has made significant  
15 progress in resolving problems that led to the child's removal from  
16 the home.

17 (C) The parent or legal guardian has demonstrated the capacity  
18 and ability both to complete the objectives of his or her treatment  
19 plan and to provide for the child's safety, protection, physical and  
20 emotional well-being, and special needs.

21 For

22 (i) *For* purposes of this subdivision, the court's decision to  
23 continue the case based on a finding or substantial probability that  
24 the child will be returned to the physical custody of his or her  
25 parent or legal guardian is a compelling reason for determining  
26 that a hearing held pursuant to Section 366.26 is not in the best  
27 interests of the child.

28 ~~The~~

29 (ii) *The* court shall inform the parent or legal guardian that if  
30 the child cannot be returned home by the next permanency review  
31 hearing, a proceeding pursuant to Section 366.26 may be instituted.  
32 The court shall not order that a hearing pursuant to Section 366.26  
33 be held unless there is clear and convincing evidence that  
34 reasonable services have been provided or offered to the parent or  
35 legal guardian.

36 (2) Continue the case for up to six months for a permanency  
37 review hearing, provided that the hearing shall occur within 18  
38 months of the date the child was originally taken from the physical  
39 custody of his or her parent or legal guardian, if the parent has  
40 been arrested and issued an immigration hold, detained by the

1 United States Department of Homeland Security, or deported to  
2 his or her country of origin, and the court determines either that  
3 there is a substantial probability that the child will be returned to  
4 the physical custody of his or her parent or legal guardian and  
5 safely maintained in the home within the extended period of time  
6 or that reasonable services have not been provided to the parent  
7 or legal guardian.

8 (3) For purposes of paragraph (2), in order to find a substantial  
9 probability that the child will be returned to the physical custody  
10 of his or her parent or legal guardian and safely maintained in the  
11 home within the extended period of time, the court shall find all  
12 of the following:

13 (A) The parent or legal guardian has consistently and regularly  
14 contacted and visited with the child, taking into account any  
15 particular barriers to a parent's ability to maintain contact with his  
16 or her child due to the parent's arrest and receipt of an immigration  
17 hold, detention by the United States Department of Homeland  
18 Security, or deportation.

19 (B) The parent or legal guardian has made significant progress  
20 in resolving the problems that led to the child's removal from the  
21 home.

22 (C) The parent or legal guardian has demonstrated the capacity  
23 or ability both to complete the objectives of his or her treatment  
24 plan and to provide for the child's safety, protection, physical and  
25 emotional well-being, and special needs.

26 (4) Order that a hearing be held within 120 days, pursuant to  
27 Section 366.26, but only if the court does not continue the case to  
28 the permanency planning review hearing and there is clear and  
29 convincing evidence that reasonable services have been provided  
30 or offered to the parents or legal guardians. On and after January  
31 1, 2012, a hearing pursuant to Section 366.26 shall not be ordered  
32 if the child is a nonminor dependent, unless the nonminor  
33 dependent is an Indian child and tribal customary adoption is  
34 recommended as the permanent plan.

35 (5) Order that the child remain in ~~long-term~~ foster care, but only  
36 if the court finds by clear and convincing evidence, based upon  
37 the evidence already presented to it, including a recommendation  
38 by the State Department of Social Services when it is acting as an  
39 adoption agency or by a county adoption agency, that there is a  
40 compelling reason for determining that a hearing held pursuant to

1 Section 366.26 is not in the best interests of the child because the  
2 child is not a proper subject for adoption and has no one willing  
3 to accept legal ~~guardianship~~. *guardianship as of the hearing date.*  
4 For purposes of this section, a recommendation by the State  
5 Department of Social Services when it is acting as an adoption  
6 agency or by a county adoption agency that adoption is not in the  
7 best interests of the child shall constitute a compelling reason for  
8 the court's determination. That recommendation shall be based on  
9 the present circumstances of the child and shall not preclude a  
10 different recommendation at a later date if the child's circumstances  
11 change. On and after January 1, 2012, the nonminor dependent's  
12 legal status as an adult is in and of itself a compelling reason not  
13 to hold a hearing pursuant to Section 366.26. The court may order  
14 that a nonminor dependent who otherwise is eligible pursuant to  
15 Section 11403 remain in a planned, permanent living arrangement.

16 *(A) The court shall make factual findings identifying any*  
17 *barriers to achieving the permanent plan as of the hearing date.*  
18 *When the child is under 16 years of age, the court shall order a*  
19 *permanent plan of return home, adoption, tribal customary*  
20 *adoption in the case of an Indian child, legal guardianship, or*  
21 *placement with a fit and willing relative, as appropriate. When*  
22 *the child is 16 years of age or older, or is a nonminor dependent,*  
23 *and no other permanent plan is appropriate at the time of the*  
24 *hearing, the court may order another planned permanent living*  
25 *arrangement, as described in paragraph (2) of subdivision (i) of*  
26 *Section 16501.*

27 *If*

28 *(B) If the court orders that a child who is 10 years of age or*  
29 *older remain in ~~long-term~~ foster care, the court shall determine*  
30 *whether the agency has made reasonable efforts to maintain the*  
31 *child's relationships with individuals other than the child's siblings*  
32 *who are important to the child, consistent with the child's best*  
33 *interests, and may make any appropriate order to ensure that those*  
34 *relationships are maintained.*

35 *If*

36 *(C) If the child is not returned to his or her parent or legal*  
37 *guardian, the court shall consider, and state for the record, in-state*  
38 *and out-of-state options for permanent placement. If the child is*  
39 *placed out of the state, the court shall make a determination*

1 whether the out-of-state placement continues to be appropriate and  
2 in the best interests of the child.

3 (h) In any case in which the court orders that a hearing pursuant  
4 to Section 366.26 shall be held, it shall also order the termination  
5 of reunification services to the parent or legal guardian. The court  
6 shall continue to permit the parent or legal guardian to visit the  
7 child pending the hearing unless it finds that visitation would be  
8 detrimental to the child. The court shall make any other appropriate  
9 orders to enable the child to maintain relationships with individuals,  
10 other than the child's siblings, who are important to the child,  
11 consistent with the child's best interests. When the court orders a  
12 termination of reunification services to the parent or legal guardian,  
13 it shall also order that the child's caregiver receive the child's birth  
14 certificate in accordance with Sections 16010.4 and 16010.5.  
15 Additionally, when the court orders a termination of reunification  
16 services to the parent or legal guardian, it shall order, when  
17 appropriate, that a child who is 16 years of age or older receive  
18 his or her birth certificate.

19 (i) (1) Whenever a court orders that a hearing pursuant to  
20 Section 366.26, including, when, in consultation with the child's  
21 tribe, tribal customary adoption is recommended, shall be held, it  
22 shall direct the agency supervising the child and the county  
23 adoption agency, or the State Department of Social Services when  
24 it is acting as an adoption agency, to prepare an assessment that  
25 shall include:

26 (A) Current search efforts for an absent parent or parents or  
27 legal guardians.

28 (B) A review of the amount of and nature of any contact between  
29 the child and his or her parents or legal guardians and other  
30 members of his or her extended family since the time of placement.  
31 Although the extended family of each child shall be reviewed on  
32 a case-by-case basis, "extended family" for the purpose of this  
33 subparagraph shall include, but not be limited to, the child's  
34 siblings, grandparents, aunts, and uncles.

35 (C) An evaluation of the child's medical, developmental,  
36 scholastic, mental, and emotional status.

37 (D) A preliminary assessment of the eligibility and commitment  
38 of any identified prospective adoptive parent or legal guardian,  
39 including the prospective tribal customary adoptive parent,  
40 particularly the caretaker, to include a social history including



1 screening for criminal records and prior referrals for child abuse  
2 or neglect, the capability to meet the child's needs, and the  
3 understanding of the legal and financial rights and responsibilities  
4 of adoption and guardianship. If a proposed guardian is a relative  
5 of the minor, the assessment shall also consider, but need not be  
6 limited to, all of the factors specified in subdivision (a) of Section  
7 361.3 and in Section 361.4.

8 (E) The relationship of the child to any identified prospective  
9 adoptive parent or legal guardian, the duration and character of  
10 the relationship, the degree of attachment of the child to the  
11 prospective relative guardian or adoptive parent, the relative's or  
12 adoptive parent's strong commitment to caring permanently for  
13 the child, the motivation for seeking adoption or guardianship, a  
14 statement from the child concerning placement and the adoption  
15 or guardianship, and whether the child, if over 12 years of age,  
16 has been consulted about the proposed relative guardianship  
17 arrangements, unless the child's age or physical, emotional, or  
18 other condition precludes his or her meaningful response, and if  
19 so, a description of the condition.

20 (F) A description of efforts to be made to identify a prospective  
21 adoptive parent or legal guardian, including, but not limited to,  
22 child-specific recruitment and listing on an adoption exchange  
23 within the state or out of the state.

24 (G) An analysis of the likelihood that the child will be adopted  
25 if parental rights are terminated.

26 (H) In the case of an Indian child, in addition to subparagraphs  
27 (A) to (G), inclusive, an assessment of the likelihood that the child  
28 will be adopted, when, in consultation with the child's tribe, a  
29 tribal customary adoption, as defined in Section 366.24, is  
30 recommended. If tribal customary adoption is recommended, the  
31 assessment shall include an analysis of both of the following:

32 (i) Whether tribal customary adoption would or would not be  
33 detrimental to the Indian child and the reasons for reaching that  
34 conclusion.

35 (ii) Whether the Indian child cannot or should not be returned  
36 to the home of the Indian parent or Indian custodian and the reasons  
37 for reaching that conclusion.

38 (2) (A) A relative caregiver's preference for legal guardianship  
39 over adoption, if it is due to circumstances that do not include an  
40 unwillingness to accept legal or financial responsibility for the

1 child, shall not constitute the sole basis for recommending removal  
2 of the child from the relative caregiver for purposes of adoptive  
3 placement.

4 (B) Regardless of his or her immigration status, a relative  
5 caregiver shall be given information regarding the permanency  
6 options of guardianship and adoption, including the long-term  
7 benefits and consequences of each option, prior to establishing  
8 legal guardianship or pursuing adoption. If the proposed permanent  
9 plan is guardianship with an approved relative caregiver for a  
10 minor eligible for aid under the Kin-GAP Program, as provided  
11 for in Article 4.7 (commencing with Section 11385) of Chapter 2  
12 of Part 3 of Division 9, the relative caregiver shall be informed  
13 about the terms and conditions of the negotiated agreement  
14 pursuant to Section 11387 and shall agree to its execution prior to  
15 the hearing held pursuant to Section 366.26. A copy of the executed  
16 negotiated agreement shall be attached to the assessment.

17 (j) If, at any hearing held pursuant to Section 366.26, a  
18 guardianship is established for the minor with an approved relative  
19 caregiver, and juvenile court dependency is subsequently  
20 dismissed, the minor shall be eligible for aid under the Kin-GAP  
21 Program, as provided for in Article 4.5 (commencing with Section  
22 11360) or Article 4.7 (commencing with Section 11385), as  
23 applicable, of Chapter 2 of Part 3 of Division 9.

24 (k) As used in this section, “relative” means an adult who is  
25 related to the minor by blood, adoption, or affinity within the fifth  
26 degree of kinship, including stepparents, stepsiblings, and all  
27 relatives whose status is preceded by the words “great,”  
28 “great-great,” or “grand,” or the spouse of any of those persons  
29 even if the marriage was terminated by death or dissolution. If the  
30 proposed permanent plan is guardianship with an approved relative  
31 caregiver for a minor eligible for aid under the Kin-GAP Program,  
32 as provided for in Article 4.7 (commencing with Section 11385)  
33 of Chapter 2 of Part 3 of Division 9, “relative” as used in this  
34 section has the same meaning as “relative” as defined in  
35 subdivision (c) of Section 11391.

36 (l) For purposes of this section, evidence of any of the following  
37 circumstances ~~may~~ *shall* not, in and of itself, be deemed a failure  
38 to provide or offer reasonable services:

39 (1) The child has been placed with a foster family that is eligible  
40 to adopt a child, or has been placed in a preadoptive home.

1 (2) The case plan includes services to make and finalize a  
2 permanent placement for the child if efforts to reunify fail.

3 (3) Services to make and finalize a permanent placement for  
4 the child, if efforts to reunify fail, are provided concurrently with  
5 services to reunify the family.

6 ~~(m) The implementation and operation of the amendments to~~  
7 ~~subdivisions (c) and (g) enacted at the 2005-06 Regular Session~~  
8 ~~shall be subject to appropriation through the budget process and~~  
9 ~~by phase, as provided in Section 366.35.~~

10 SEC. 11. Section 366.22 of the Welfare and Institutions Code  
11 is amended to read:

12 366.22. (a) (1) When a case has been continued pursuant to  
13 paragraph (1) or (2) of subdivision (g) of Section 366.21, the  
14 permanency review hearing shall occur within 18 months after the  
15 date the child was originally removed from the physical custody  
16 of his or her parent or legal guardian. After considering the  
17 admissible and relevant evidence, the court shall order the return  
18 of the child to the physical custody of his or her parent or legal  
19 guardian unless the court finds, by a preponderance of the evidence,  
20 that the return of the child to his or her parent or legal guardian  
21 would create a substantial risk of detriment to the safety, protection,  
22 or physical or emotional well-being of the child. The social worker  
23 shall have the burden of establishing that detriment. At the  
24 permanency review hearing, the court shall consider the criminal  
25 history, obtained pursuant to paragraph (1) of subdivision (f) of  
26 Section 16504.5, of the parent or legal guardian subsequent to the  
27 child's removal, to the extent that the criminal record is  
28 substantially related to the welfare of the child or the parent's or  
29 legal guardian's ability to exercise custody and control regarding  
30 his or her child, provided that the parent or legal guardian agreed  
31 to submit fingerprint images to obtain criminal history information  
32 as part of the case plan. The court shall also consider whether the  
33 child can be returned to the custody of his or her parent who is  
34 enrolled in a certified substance abuse treatment facility that allows  
35 a dependent child to reside with his or her parent. The fact that the  
36 parent is enrolled in a certified substance abuse treatment facility  
37 shall not be, for that reason alone, prima facie evidence of  
38 detriment. The failure of the parent or legal guardian to participate  
39 regularly and make substantive progress in court-ordered treatment  
40 programs shall be prima facie evidence that return would be

1 detrimental. In making its determination, the court shall review  
2 and consider the social worker's report and recommendations and  
3 the report and recommendations of any child advocate appointed  
4 pursuant to Section 356.5; shall consider the efforts or progress,  
5 or both, demonstrated by the parent or legal guardian and the extent  
6 to which he or she availed himself or herself of services provided,  
7 taking into account the particular barriers of an incarcerated or  
8 institutionalized parent's or legal guardian's access to those  
9 court-mandated services and ability to maintain contact with his  
10 or her child; and shall make appropriate findings pursuant to  
11 subdivision (a) of Section 366.

12 (2) Whether or not the child is returned to his or her parent or  
13 legal guardian, the court shall specify the factual basis for its  
14 decision. If the child is not returned to a parent or legal guardian,  
15 the court shall specify the factual basis for its conclusion that return  
16 would be detrimental. If the child is not returned to his or her parent  
17 or legal guardian, the court shall consider, and state for the record,  
18 in-state and out-of-state options for the child's permanent  
19 placement. If the child is placed out of the state, the court shall  
20 make a determination whether the out-of-state placement continues  
21 to be appropriate and in the best interests of the child.

22 (3) Unless the conditions in subdivision (b) are met and the  
23 child is not returned to a parent or legal guardian at the permanency  
24 review hearing, the court shall order that a hearing be held pursuant  
25 to Section 366.26 in order to determine whether adoption, or, in  
26 the case of an Indian child, in consultation with the child's tribe,  
27 tribal customary adoption, guardianship, or continued placement  
28 in foster care is the most appropriate plan for the child. On and  
29 after January 1, 2012, a hearing pursuant to Section 366.26 shall  
30 not be ordered if the child is a nonminor dependent, unless the  
31 nonminor dependent is an Indian child, and tribal customary  
32 adoption is recommended as the permanent plan. However, if the  
33 court finds by clear and convincing evidence, based on the evidence  
34 already presented to it, including a recommendation by the State  
35 Department of Social Services when it is acting as an adoption  
36 agency or by a county adoption agency, that there is a compelling  
37 reason, as described in paragraph (5) of subdivision (g) of Section  
38 366.21, for determining that a hearing held under Section 366.26  
39 is not in the best interests of the child because the child is not a  
40 proper subject for adoption and has no one willing to accept legal

1 guardianship as of the hearing date, the court may, only under  
2 these circumstances, order that the child remain in foster care with  
3 a permanent plan of return home, adoption, tribal customary  
4 adoption in the case of an Indian child, legal guardianship, or  
5 placement with a fit and willing relative, as appropriate. If the  
6 child is 16 years of age or older or is a nonminor dependent, and  
7 no other permanent plan is appropriate at the time of the hearing,  
8 the court may order another planned permanent living arrangement,  
9 as described in paragraph (2) of subdivision (i) of Section 16501.  
10 The court shall make factual findings identifying any barriers to  
11 achieving the permanent plan as of the hearing date. On and after  
12 January 1, 2012, the nonminor dependent's legal status as an adult  
13 is in and of itself a compelling reason not to hold a hearing pursuant  
14 to Section 366.26. The court may order that a nonminor dependent  
15 who otherwise is eligible pursuant to Section 11403 remain in a  
16 planned, permanent living arrangement. If the court orders that a  
17 child who is 10 years of age or older remain in foster care, the  
18 court shall determine whether the agency has made reasonable  
19 efforts to maintain the child's relationships with individuals other  
20 than the child's siblings who are important to the child, consistent  
21 with the child's best interests, and may make any appropriate order  
22 to ensure that those relationships are maintained. The hearing shall  
23 be held no later than 120 days from the date of the permanency  
24 review hearing. The court shall also order termination of  
25 reunification services to the parent or legal guardian. The court  
26 shall continue to permit the parent or legal guardian to visit the  
27 child unless it finds that visitation would be detrimental to the  
28 child. The court shall determine whether reasonable services have  
29 been offered or provided to the parent or legal guardian. For  
30 purposes of this subdivision, evidence of any of the following  
31 circumstances shall not, in and of themselves, be deemed a failure  
32 to provide or offer reasonable services:  
33 (A) The child has been placed with a foster family that is eligible  
34 to adopt a child, or has been placed in a preadoptive home.  
35 (B) The case plan includes services to make and finalize a  
36 permanent placement for the child if efforts to reunify fail.  
37 (C) Services to make and finalize a permanent placement for  
38 the child, if efforts to reunify fail, are provided concurrently with  
39 services to reunify the family.

(b) If the child is not returned to a parent or legal guardian at the permanency review hearing and the court determines by clear and convincing evidence that the best interests of the child would be met by the provision of additional reunification services to a parent or legal guardian who is making significant and consistent progress in a court-ordered residential substance abuse treatment program, or a parent recently discharged from incarceration, institutionalization, or the custody of the United States Department of Homeland Security and making significant and consistent progress in establishing a safe home for the child's return, the court may continue the case for up to six months for a subsequent permanency review hearing, provided that the hearing shall occur within 24 months of the date the child was originally taken from the physical custody of his or her parent or legal guardian. The court shall continue the case only if it finds that there is a substantial probability that the child will be returned to the physical custody of his or her parent or legal guardian and safely maintained in the home within the extended period of time or that reasonable services have not been provided to the parent or legal guardian. For the purposes of this section, in order to find a substantial probability that the child will be returned to the physical custody of his or her parent or legal guardian and safely maintained in the home within the extended period of time, the court shall be required to find all of the following:

(1) That the parent or legal guardian has consistently and regularly contacted and visited with the child.

(2) That the parent or legal guardian has made significant and consistent progress in the prior 18 months in resolving problems that led to the child's removal from the home.

(3) The parent or legal guardian has demonstrated the capacity and ability both to complete the objectives of his or her substance abuse treatment plan as evidenced by reports from a substance abuse provider as applicable, or complete a treatment plan postdischarge from incarceration, institutionalization, or detention, or following deportation to his or her country of origin and his or her return to the United States, and to provide for the child's safety, protection, physical and emotional well-being, and special needs.

For purposes of this subdivision, the court's decision to continue the case based on a finding or substantial probability that the child will be returned to the physical custody of his or her parent or legal

1 guardian is a compelling reason for determining that a hearing  
2 held pursuant to Section 366.26 is not in the best interests of the  
3 child.

4 The court shall inform the parent or legal guardian that if the  
5 child cannot be returned home by the subsequent permanency  
6 review hearing, a proceeding pursuant to Section 366.26 may be  
7 instituted. The court may not order that a hearing pursuant to  
8 Section 366.26 be held unless there is clear and convincing  
9 evidence that reasonable services have been provided or offered  
10 to the parent or legal guardian.

11 (c) (1) Whenever a court orders that a hearing pursuant to  
12 Section 366.26, including when a tribal customary adoption is  
13 recommended, shall be held, it shall direct the agency supervising  
14 the child and the county adoption agency, or the State Department  
15 of Social Services when it is acting as an adoption agency, to  
16 prepare an assessment that shall include:

17 (A) Current search efforts for an absent parent or parents.

18 (B) A review of the amount of and nature of any contact between  
19 the child and his or her parents and other members of his or her  
20 extended family since the time of placement. Although the  
21 extended family of each child shall be reviewed on a case-by-case  
22 basis, “extended family” for the purposes of this subparagraph  
23 shall include, but not be limited to, the child’s siblings,  
24 grandparents, aunts, and uncles.

25 (C) An evaluation of the child’s medical, developmental,  
26 scholastic, mental, and emotional status.

27 (D) A preliminary assessment of the eligibility and commitment  
28 of any identified prospective adoptive parent or legal guardian,  
29 particularly the caretaker, to include a social history including  
30 screening for criminal records and prior referrals for child abuse  
31 or neglect, the capability to meet the child’s needs, and the  
32 understanding of the legal and financial rights and responsibilities  
33 of adoption and guardianship. If a proposed legal guardian is a  
34 relative of the minor, the assessment shall also consider, but need  
35 not be limited to, all of the factors specified in subdivision (a) of  
36 Section 361.3 and Section 361.4.

37 (E) The relationship of the child to any identified prospective  
38 adoptive parent or legal guardian, the duration and character of  
39 the relationship, the degree of attachment of the child to the  
40 prospective relative guardian or adoptive parent, the relative’s or

1 adoptive parent's strong commitment to caring permanently for  
2 the child, the motivation for seeking adoption or legal guardianship,  
3 a statement from the child concerning placement and the adoption  
4 or legal guardianship, and whether the child, if over 12 years of  
5 age, has been consulted about the proposed relative guardianship  
6 arrangements, unless the child's age or physical, emotional, or  
7 other condition precludes his or her meaningful response, and if  
8 so, a description of the condition.

9 (F) An analysis of the likelihood that the child will be adopted  
10 if parental rights are terminated.

11 (G) In the case of an Indian child, in addition to subparagraphs  
12 (A) to (F), inclusive, an assessment of the likelihood that the child  
13 will be adopted, when, in consultation with the child's tribe, a  
14 tribal customary adoption, as defined in Section 366.24, is  
15 recommended. If tribal customary adoption is recommended, the  
16 assessment shall include an analysis of both of the following:

17 (i) Whether tribal customary adoption would or would not be  
18 detrimental to the Indian child and the reasons for reaching that  
19 conclusion.

20 (ii) Whether the Indian child cannot or should not be returned  
21 to the home of the Indian parent or Indian custodian and the reasons  
22 for reaching that conclusion.

23 (2) (A) A relative caregiver's preference for legal guardianship  
24 over adoption, if it is due to circumstances that do not include an  
25 unwillingness to accept legal or financial responsibility for the  
26 child, shall not constitute the sole basis for recommending removal  
27 of the child from the relative caregiver for purposes of adoptive  
28 placement.

29 (B) Regardless of his or her immigration status, a relative  
30 caregiver shall be given information regarding the permanency  
31 options of guardianship and adoption, including the long-term  
32 benefits and consequences of each option, prior to establishing  
33 legal guardianship or pursuing adoption. If the proposed permanent  
34 plan is guardianship with an approved relative caregiver for a  
35 minor eligible for aid under the Kin-GAP Program, as provided  
36 for in Article 4.7 (commencing with Section 11385) of Chapter 2  
37 of Part 3 of Division 9, the relative caregiver shall be informed  
38 about the terms and conditions of the negotiated agreement  
39 pursuant to Section 11387 and shall agree to its execution prior to



1 the hearing held pursuant to Section 366.26. A copy of the executed  
2 negotiated agreement shall be attached to the assessment.

3 (d) This section shall become operative January 1, 1999. If at  
4 any hearing held pursuant to Section 366.26, a legal guardianship  
5 is established for the minor with an approved relative caregiver,  
6 and juvenile court dependency is subsequently dismissed, the minor  
7 shall be eligible for aid under the Kin-GAP Program, as provided  
8 for in Article 4.5 (commencing with Section 11360) or Article 4.7  
9 (commencing with Section 11385), as applicable, of Chapter 2 of  
10 Part 3 of Division 9.

11 (e) As used in this section, “relative” means an adult who is  
12 related to the child by blood, adoption, or affinity within the fifth  
13 degree of kinship, including stepparents, stepsiblings, and all  
14 relatives whose status is preceded by the words “great,”  
15 “great-great,” or “grand,” or the spouse of any of those persons  
16 even if the marriage was terminated by death or dissolution. If the  
17 proposed permanent plan is guardianship with an approved relative  
18 caregiver for a minor eligible for aid under the Kin-GAP Program,  
19 as provided for in Article 4.7 (commencing with Section 11385)  
20 of Chapter 2 of Part 3 of Division 9, “relative” as used in this  
21 section has the same meaning as “relative” as defined in  
22 subdivision (c) of Section 11391.

23 *SEC. 11.5. Section 366.22 of the Welfare and Institutions Code*  
24 *is amended to read:*

25 366.22. (a) (1) When a case has been continued pursuant to  
26 paragraph (1) or (2) of subdivision (g) of Section 366.21, the  
27 permanency review hearing shall occur within 18 months after the  
28 date the child was originally removed from the physical custody  
29 of his or her parent or legal guardian. After considering the  
30 admissible and relevant evidence, the court shall order the return  
31 of the child to the physical custody of his or her parent or legal  
32 guardian unless the court finds, by a preponderance of the evidence,  
33 that the return of the child to his or her parent or legal guardian  
34 would create a substantial risk of detriment to the safety, protection,  
35 or physical or emotional well-being of the child. The social worker  
36 shall have the burden of establishing that detriment. At the  
37 permanency review hearing, the court shall consider the criminal  
38 history, obtained pursuant to paragraph (1) of subdivision (f) of  
39 Section 16504.5, of the parent or legal guardian subsequent to the  
40 child’s removal, to the extent that the criminal record is

1 substantially related to the welfare of the child or the parent's or  
2 legal guardian's ability to exercise custody and control regarding  
3 his or her child, provided that the parent or legal guardian agreed  
4 to submit fingerprint images to obtain criminal history information  
5 as part of the case plan. The court shall also consider whether the  
6 child can be returned to the custody of his or her parent who is  
7 enrolled in a certified substance abuse treatment facility that allows  
8 a dependent child to reside with his or her parent. The fact that the  
9 parent is enrolled in a certified substance abuse treatment facility  
10 shall not be, for that reason alone, prima facie evidence of  
11 detriment. The failure of the parent or legal guardian to participate  
12 regularly and make substantive progress in court-ordered treatment  
13 programs shall be prima facie evidence that return would be  
14 detrimental. In making its determination, the court shall review  
15 and consider the social worker's report and recommendations and  
16 the report and recommendations of any child advocate appointed  
17 pursuant to Section 356.5; shall consider the efforts or progress,  
18 or both, demonstrated by the parent or legal guardian and the extent  
19 to which he or she availed himself or herself of services provided,  
20 taking into account the particular barriers of *a minor parent or a*  
21 *nonminor dependent parent*, or an incarcerated or institutionalized  
22 parent's or legal guardian's access to those court-mandated services  
23 and ability to maintain contact with his or her child; and shall make  
24 appropriate findings pursuant to subdivision (a) of Section 366.

25 ~~Whether~~

26 (2) *Whether* or not the child is returned to his or her parent or  
27 legal guardian, the court shall specify the factual basis for its  
28 decision. If the child is not returned to a parent or legal guardian,  
29 the court shall specify the factual basis for its conclusion that return  
30 would be detrimental. If the child is not returned to his or her parent  
31 or legal guardian, the court shall consider, and state for the record,  
32 in-state and out-of-state options for the child's permanent  
33 placement. If the child is placed out of the state, the court shall  
34 make a determination whether the out-of-state placement continues  
35 to be appropriate and in the best interests of the child.

36 ~~Unless~~

37 (3) *Unless* the conditions in subdivision (b) are met and the  
38 child is not returned to a parent or legal guardian at the permanency  
39 review hearing, the court shall order that a hearing be held pursuant  
40 to Section 366.26 in order to determine whether adoption, or, in

1 the case of an Indian child, in consultation with the child's tribe,  
2 tribal customary adoption, guardianship, or ~~long-term~~ *continued*  
3 *placement in* foster care is the most appropriate plan for the child.  
4 On and after January 1, 2012, a hearing pursuant to Section 366.26  
5 shall not be ordered if the child is a nonminor dependent, unless  
6 the nonminor dependent is an Indian child, and tribal customary  
7 adoption is recommended as the permanent plan. However, if the  
8 court finds by clear and convincing evidence, based on the evidence  
9 already presented to it, including a recommendation by the State  
10 Department of Social Services when it is acting as an adoption  
11 agency or by a county adoption agency, that there is a compelling  
12 reason, as described in paragraph (5) of subdivision (g) of Section  
13 366.21, for determining that a hearing held under Section 366.26  
14 is not in the best interests of the child because the child is not a  
15 proper subject for adoption and has no one willing to accept legal  
16 ~~guardianship~~, *guardianship as of the hearing date*, the court may,  
17 only under these circumstances, order that the child remain in  
18 ~~long-term foster care~~. *foster care with a permanent plan of return*  
19 *home, adoption, tribal customary adoption in the case of an Indian*  
20 *child, legal guardianship, or placement with a fit and willing*  
21 *relative, as appropriate. If the child is 16 years of age or older or*  
22 *is a nonminor dependent, and no other permanent plan is*  
23 *appropriate at the time of the hearing, the court may order another*  
24 *planned permanent living arrangement, as described in paragraph*  
25 *(2) of subdivision (i) of Section 16501. The court shall make factual*  
26 *findings identifying any barriers to achieving the permanent plan*  
27 *as of the hearing date.* On and after January 1, 2012, the nonminor  
28 dependent's legal status as an adult is in and of itself a compelling  
29 reason not to hold a hearing pursuant to Section 366.26. The court  
30 may order that a nonminor dependent who otherwise is eligible  
31 pursuant to Section 11403 remain in a planned, permanent living  
32 arrangement. If the court orders that a child who is 10 years of age  
33 or older remain in ~~long-term~~ foster care, the court shall determine  
34 whether the agency has made reasonable efforts to maintain the  
35 child's relationships with individuals other than the child's siblings  
36 who are important to the child, consistent with the child's best  
37 interests, and may make any appropriate order to ensure that those  
38 relationships are maintained. The hearing shall be held no later  
39 than 120 days from the date of the permanency review hearing.  
40 The court shall also order termination of reunification services to

1 the parent or legal guardian. The court shall continue to permit the  
2 parent or legal guardian to visit the child unless it finds that  
3 visitation would be detrimental to the child. The court shall  
4 determine whether reasonable services have been offered or  
5 provided to the parent or legal guardian. For purposes of this  
6 subdivision, evidence of any of the following circumstances shall  
7 not, in and of themselves, be deemed a failure to provide or offer  
8 reasonable services:

9 ~~(1)~~

10 (A) The child has been placed with a foster family that is eligible  
11 to adopt a child, or has been placed in a preadoptive home.

12 ~~(2)~~

13 (B) The case plan includes services to make and finalize a  
14 permanent placement for the child if efforts to reunify fail.

15 ~~(3)~~

16 (C) Services to make and finalize a permanent placement for  
17 the child, if efforts to reunify fail, are provided concurrently with  
18 services to reunify the family.

19 (b) If the child is not returned to a parent or legal guardian at  
20 the permanency review hearing and the court determines by clear  
21 and convincing evidence that the best interests of the child would  
22 be met by the provision of additional reunification services to a  
23 parent or legal guardian who is making significant and consistent  
24 progress in a court-ordered residential substance abuse treatment  
25 program, *a parent who was either a minor parent or a nonminor*  
26 *dependent parent at the time of the initial hearing making*  
27 *significant and consistent progress in establishing a safe home for*  
28 *the child's return*, or a parent recently discharged from  
29 incarceration, institutionalization, or the custody of the United  
30 States Department of Homeland Security and making significant  
31 and consistent progress in establishing a safe home for the child's  
32 return, the court may continue the case for up to six months for a  
33 subsequent permanency review hearing, provided that the hearing  
34 shall occur within 24 months of the date the child was originally  
35 taken from the physical custody of his or her parent or legal  
36 guardian. The court shall continue the case only if it finds that  
37 there is a substantial probability that the child will be returned to  
38 the physical custody of his or her parent or legal guardian and  
39 safely maintained in the home within the extended period of time  
40 or that reasonable services have not been provided to the parent

1 or legal guardian. For the purposes of this section, in order to find  
2 a substantial probability that the child will be returned to the  
3 physical custody of his or her parent or legal guardian and safely  
4 maintained in the home within the extended period of time, the  
5 court shall be required to find all of the following:

6 (1) That the parent or legal guardian has consistently and  
7 regularly contacted and visited with the child.

8 (2) That the parent or legal guardian has made significant and  
9 consistent progress in the prior 18 months in resolving problems  
10 that led to the child's removal from the home.

11 (3) The parent or legal guardian has demonstrated the capacity  
12 and ability both to complete the objectives of his or her substance  
13 abuse treatment plan as evidenced by reports from a substance  
14 abuse provider as applicable, or complete a treatment plan  
15 postdischarge from incarceration, institutionalization, or detention,  
16 or following deportation to his or her country of origin and his or  
17 her return to the United States, and to provide for the child's safety,  
18 protection, physical and emotional well-being, and special needs.

19 For purposes of this subdivision, the court's decision to continue  
20 the case based on a finding or substantial probability that the child  
21 will be returned to the physical custody of his or her parent or legal  
22 guardian is a compelling reason for determining that a hearing  
23 held pursuant to Section 366.26 is not in the best interests of the  
24 child.

25 The court shall inform the parent or legal guardian that if the  
26 child cannot be returned home by the subsequent permanency  
27 review hearing, a proceeding pursuant to Section 366.26 may be  
28 instituted. The court ~~may~~ *shall* not order that a hearing pursuant  
29 to Section 366.26 be held unless there is clear and convincing  
30 evidence that reasonable services have been provided or offered  
31 to the parent or legal guardian.

32 (c) (1) Whenever a court orders that a hearing pursuant to  
33 Section 366.26, including when a tribal customary adoption is  
34 recommended, shall be held, it shall direct the agency supervising  
35 the child and the county adoption agency, or the State Department  
36 of Social Services when it is acting as an adoption agency, to  
37 prepare an assessment that shall include:

38 (A) Current search efforts for an absent parent or parents.

39 (B) A review of the amount of and nature of any contact between  
40 the child and his or her parents and other members of his or her

1 extended family since the time of placement. Although the  
2 extended family of each child shall be reviewed on a case-by-case  
3 basis, “extended family” for the purposes of this subparagraph  
4 shall include, but not be limited to, the child’s siblings,  
5 grandparents, aunts, and uncles.

6 (C) An evaluation of the child’s medical, developmental,  
7 scholastic, mental, and emotional status.

8 (D) A preliminary assessment of the eligibility and commitment  
9 of any identified prospective adoptive parent or legal guardian,  
10 particularly the caretaker, to include a social history including  
11 screening for criminal records and prior referrals for child abuse  
12 or neglect, the capability to meet the child’s needs, and the  
13 understanding of the legal and financial rights and responsibilities  
14 of adoption and guardianship. If a proposed legal guardian is a  
15 relative of the minor, the assessment shall also consider, but need  
16 not be limited to, all of the factors specified in subdivision (a) of  
17 Section 361.3 and Section 361.4.

18 (E) The relationship of the child to any identified prospective  
19 adoptive parent or legal guardian, the duration and character of  
20 the relationship, the degree of attachment of the child to the  
21 prospective relative guardian or adoptive parent, the relative’s or  
22 adoptive parent’s strong commitment to caring permanently for  
23 the child, the motivation for seeking adoption or legal guardianship,  
24 a statement from the child concerning placement and the adoption  
25 or legal guardianship, and whether the child, if over 12 years of  
26 age, has been consulted about the proposed relative guardianship  
27 arrangements, unless the child’s age or physical, emotional, or  
28 other condition precludes his or her meaningful response, and if  
29 so, a description of the condition.

30 (F) An analysis of the likelihood that the child will be adopted  
31 if parental rights are terminated.

32 (G) In the case of an Indian child, in addition to subparagraphs  
33 (A) to (F), inclusive, an assessment of the likelihood that the child  
34 will be adopted, when, in consultation with the child’s tribe, a  
35 tribal customary adoption, as defined in Section 366.24, is  
36 recommended. If tribal customary adoption is recommended, the  
37 assessment shall include an analysis of both of the following:

38 (i) Whether tribal customary adoption would or would not be  
39 detrimental to the Indian child and the reasons for reaching that  
40 conclusion.

1 (ii) Whether the Indian child cannot or should not be returned  
2 to the home of the Indian parent or Indian custodian and the reasons  
3 for reaching that conclusion.

4 (2) (A) A relative caregiver's preference for legal guardianship  
5 over adoption, if it is due to circumstances that do not include an  
6 unwillingness to accept legal or financial responsibility for the  
7 child, shall not constitute the sole basis for recommending removal  
8 of the child from the relative caregiver for purposes of adoptive  
9 placement.

10 (B) Regardless of his or her immigration status, a relative  
11 caregiver shall be given information regarding the permanency  
12 options of guardianship and adoption, including the long-term  
13 benefits and consequences of each option, prior to establishing  
14 legal guardianship or pursuing adoption. If the proposed permanent  
15 plan is guardianship with an approved relative caregiver for a  
16 minor eligible for aid under the Kin-GAP Program, as provided  
17 for in Article 4.7 (commencing with Section 11385) of Chapter 2  
18 of Part 3 of Division 9, the relative caregiver shall be informed  
19 about the terms and conditions of the negotiated agreement  
20 pursuant to Section 11387 and shall agree to its execution prior to  
21 the hearing held pursuant to Section 366.26. A copy of the executed  
22 negotiated agreement shall be attached to the assessment.

23 (d) This section shall become operative January 1, 1999. If at  
24 any hearing held pursuant to Section 366.26, a legal guardianship  
25 is established for the minor with an approved relative caregiver,  
26 and juvenile court dependency is subsequently dismissed, the minor  
27 shall be eligible for aid under the Kin-GAP Program, as provided  
28 for in Article 4.5 (commencing with Section 11360) or Article 4.7  
29 (commencing with Section 11385), as applicable, of Chapter 2 of  
30 Part 3 of Division 9.

31 (e) As used in this section, "relative" means an adult who is  
32 related to the child by blood, adoption, or affinity within the fifth  
33 degree of kinship, including stepparents, stepsiblings, and all  
34 relatives whose status is preceded by the words "great,"  
35 "great-great," or "grand," or the spouse of any of those persons  
36 even if the marriage was terminated by death or dissolution. If the  
37 proposed permanent plan is guardianship with an approved relative  
38 caregiver for a minor eligible for aid under the Kin-GAP Program,  
39 as provided for in Article 4.7 (commencing with Section 11385)  
40 of Chapter 2 of Part 3 of Division 9, "relative" as used in this

1 section has the same meaning as “relative” as defined in  
2 subdivision (c) of Section 11391.

3 ~~(f) The implementation and operation of the amendments to~~  
4 ~~subdivision (a) enacted at the 2005–06 Regular Session shall be~~  
5 ~~subject to appropriation through the budget process and by phase,~~  
6 ~~as provided in Section 366.35.~~

7 SEC. 12. Section 366.25 of the Welfare and Institutions Code  
8 is amended to read:

9 366.25. (a) (1) When a case has been continued pursuant to  
10 subdivision (b) of Section 366.22, the subsequent permanency  
11 review hearing shall occur within 24 months after the date the  
12 child was originally removed from the physical custody of his or  
13 her parent or legal guardian. After considering the relevant and  
14 admissible evidence, the court shall order the return of the child  
15 to the physical custody of his or her parent or legal guardian unless  
16 the court finds, by a preponderance of the evidence, that the return  
17 of the child to his or her parent or legal guardian would create a  
18 substantial risk of detriment to the safety, protection, or physical  
19 or emotional well-being of the child. The social worker shall have  
20 the burden of establishing that detriment. At the subsequent  
21 permanency review hearing, the court shall consider the criminal  
22 history, obtained pursuant to paragraph (1) of subdivision (f) of  
23 Section 16504.5, of the parent or legal guardian subsequent to the  
24 child’s removal to the extent that the criminal record is substantially  
25 related to the welfare of the child or parent’s or legal guardian’s  
26 ability to exercise custody and control regarding his or her child  
27 provided that the parent or legal guardian agreed to submit  
28 fingerprint images to obtain criminal history information as part  
29 of the case plan. The court shall also consider whether the child  
30 can be returned to the custody of a parent who is enrolled in a  
31 certified substance abuse treatment facility that allows a dependent  
32 child to reside with his or her parent. The fact that the parent is  
33 enrolled in a certified substance abuse treatment facility shall not  
34 be, for that reason alone, prima facie evidence of detriment. The  
35 failure of the parent or legal guardian to participate regularly and  
36 make substantive progress in court-ordered treatment programs  
37 shall be prima facie evidence that return would be detrimental. In  
38 making its determination, the court shall review and consider the  
39 social worker’s report and recommendations and the report and  
40 recommendations of any child advocate appointed pursuant to



1 Section 356.5; shall consider the efforts or progress, or both,  
2 demonstrated by the parent or legal guardian and the extent to  
3 which he or she availed himself or herself of services provided;  
4 and shall make appropriate findings pursuant to subdivision (a) of  
5 Section 366.

6 (2) Whether or not the child is returned to his or her parent or  
7 legal guardian, the court shall specify the factual basis for its  
8 decision. If the child is not returned to a parent or legal guardian,  
9 the court shall specify the factual basis for its conclusion that return  
10 would be detrimental. If the child is not returned to his or her parent  
11 or legal guardian, the court shall consider and state for the record,  
12 in-state and out-of-state options for the child's permanent  
13 placement. If the child is placed out of the state, the court shall  
14 make a determination whether the out-of-state placement continues  
15 to be appropriate and in the best interests of the child.

16 (3) If the child is not returned to a parent or legal guardian at  
17 the subsequent permanency review hearing, the court shall order  
18 that a hearing be held pursuant to Section 366.26 in order to  
19 determine whether adoption, or, in the case of an Indian child,  
20 tribal customary adoption, guardianship, or, in the case of a child  
21 16 years of age or older when no other permanent plan is  
22 appropriate, another planned permanent living arrangement is the  
23 most appropriate plan for the child. On and after January 1, 2012,  
24 a hearing pursuant to Section 366.26 shall not be ordered if the  
25 child is a nonminor dependent, unless the nonminor dependent is  
26 an Indian child and tribal customary adoption is recommended as  
27 the permanent plan. However, if the court finds by clear and  
28 convincing evidence, based on the evidence already presented to  
29 it, including a recommendation by the State Department of Social  
30 Services when it is acting as an adoption agency or by a county  
31 adoption agency, that there is a compelling reason, as described  
32 in paragraph (5) of subdivision (g) of Section 366.21, for  
33 determining that a hearing held under Section 366.26 is not in the  
34 best interest of the child because the child is not a proper subject  
35 for adoption or, in the case of an Indian child, tribal customary  
36 adoption, and has no one willing to accept legal guardianship as  
37 of the hearing date, then the court may, only under these  
38 circumstances, order that the child remain in foster care with a  
39 permanent plan of return home, adoption, tribal customary adoption  
40 in the case of an Indian child, legal guardianship, or placement

1 with a fit and willing relative, as appropriate. If the child is 16  
2 years of age or older or is a nonminor dependent, and no other  
3 permanent plan is appropriate at the time of the hearing, the court  
4 may order another planned permanent living arrangement, as  
5 described in paragraph (2) of subdivision (i) of Section 16501.  
6 The court shall make factual findings identifying any barriers to  
7 achieving the permanent plan as of the hearing date. On and after  
8 January 1, 2012, the nonminor dependent's legal status as an adult  
9 is in and of itself a compelling reason not to hold a hearing pursuant  
10 to Section 366.26. The court may order that a nonminor dependent  
11 who otherwise is eligible pursuant to Section 11403 remain in a  
12 planned, permanent living arrangement. If the court orders that a  
13 child who is 10 years of age or older remain in foster care, the  
14 court shall determine whether the agency has made reasonable  
15 efforts to maintain the child's relationships with individuals other  
16 than the child's siblings who are important to the child, consistent  
17 with the child's best interests, and may make any appropriate order  
18 to ensure that those relationships are maintained. The hearing shall  
19 be held no later than 120 days from the date of the subsequent  
20 permanency review hearing. The court shall also order termination  
21 of reunification services to the parent or legal guardian. The court  
22 shall continue to permit the parent or legal guardian to visit the  
23 child unless it finds that visitation would be detrimental to the  
24 child. The court shall determine whether reasonable services have  
25 been offered or provided to the parent or legal guardian. For  
26 purposes of this paragraph, evidence of any of the following  
27 circumstances shall not, in and of themselves, be deemed a failure  
28 to provide or offer reasonable services:

29 (A) The child has been placed with a foster family that is eligible  
30 to adopt a child, or has been placed in a preadoptive home.

31 (B) The case plan includes services to make and finalize a  
32 permanent placement for the child if efforts to reunify fail.

33 (C) Services to make and finalize a permanent placement for  
34 the child, if efforts to reunify fail, are provided concurrently with  
35 services to reunify the family.

36 (b) (1) Whenever a court orders that a hearing pursuant to  
37 Section 366.26 shall be held, it shall direct the agency supervising  
38 the child and the county adoption agency, or the State Department  
39 of Social Services when it is acting as an adoption agency, to  
40 prepare an assessment that shall include:

1 (A) Current search efforts for an absent parent or parents.

2 (B) A review of the amount of, and nature of, any contact  
3 between the child and his or her parents and other members of his  
4 or her extended family since the time of placement. Although the  
5 extended family of each child shall be reviewed on a case-by-case  
6 basis, “extended family” for the purposes of this paragraph shall  
7 include, but not be limited to, the child’s siblings, grandparents,  
8 aunts, and uncles.

9 (C) An evaluation of the child’s medical, developmental,  
10 scholastic, mental, and emotional status.

11 (D) A preliminary assessment of the eligibility and commitment  
12 of any identified prospective adoptive parent or legal guardian,  
13 including a prospective tribal customary adoptive parent,  
14 particularly the caretaker, to include a social history including  
15 screening for criminal records and prior referrals for child abuse  
16 or neglect, the capability to meet the child’s needs, and the  
17 understanding of the legal and financial rights and responsibilities  
18 of adoption and guardianship. If a proposed legal guardian is a  
19 relative of the minor, the assessment shall also consider, but need  
20 not be limited to, all of the factors specified in subdivision (a) of  
21 Section 361.3 and in Section 361.4.

22 (E) The relationship of the child to any identified prospective  
23 adoptive parent or legal guardian, including a prospective tribal  
24 customary adoptive parent, the duration and character of the  
25 relationship, the degree of attachment of the child to the prospective  
26 relative guardian or adoptive parent, the relative’s or adoptive  
27 parent’s strong commitment to caring permanently for the child,  
28 the motivation for seeking adoption or legal guardianship, a  
29 statement from the child concerning placement and the adoption  
30 or legal guardianship, and whether the child, if over 12 years of  
31 age, has been consulted about the proposed relative guardianship  
32 arrangements, unless the child’s age or physical, emotional, or  
33 other condition precludes his or her meaningful response, and if  
34 so, a description of the condition.

35 (F) An analysis of the likelihood that the child will be adopted  
36 if parental rights are terminated.

37 (G) In the case of an Indian child, in addition to subparagraphs  
38 (A) to (F), inclusive, an assessment of the likelihood that the child  
39 will be adopted, when, in consultation with the child’s tribe, a  
40 tribal customary adoption, as defined in Section 366.24, is

1 recommended. If tribal customary adoption is recommended, the  
2 assessment shall include an analysis of both of the following:

3 (i) Whether tribal customary adoption would or would not be  
4 detrimental to the Indian child and the reasons for reaching that  
5 conclusion.

6 (ii) Whether the Indian child cannot or should not be returned  
7 to the home of the Indian parent or Indian custodian and the reasons  
8 for reaching that conclusion.

9 (2) (A) A relative caregiver's preference for legal guardianship  
10 over adoption, if it is due to circumstances that do not include an  
11 unwillingness to accept legal or financial responsibility for the  
12 child, shall not constitute the sole basis for recommending removal  
13 of the child from the relative caregiver for purposes of adoptive  
14 placement.

15 (B) Regardless of his or her immigration status, a relative  
16 caregiver shall be given information regarding the permanency  
17 options of guardianship and adoption, including the long-term  
18 benefits and consequences of each option, prior to establishing  
19 legal guardianship or pursuing adoption. If the proposed permanent  
20 plan is guardianship with an approved relative caregiver for a  
21 minor eligible for aid under the Kin-GAP Program, as provided  
22 for in Article 4.7 (commencing with Section 11385) of Chapter 2  
23 of Part 3 of Division 9, the relative caregiver shall be informed  
24 about the terms and conditions of the negotiated agreement  
25 pursuant to Section 11387 and shall agree to its execution prior to  
26 the hearing held pursuant to Section 366.26. A copy of the executed  
27 negotiated agreement shall be attached to the assessment.

28 (c) If, at any hearing held pursuant to Section 366.26, a  
29 guardianship is established for the minor with an approved relative  
30 caregiver, and juvenile court dependency is subsequently  
31 dismissed, the minor shall be eligible for aid under the Kin-GAP  
32 Program, as provided for in Article 4.5 (commencing with Section  
33 11360) or Article 4.7 (commencing with Section 11385), as  
34 applicable, of Chapter 2 of Part 3 of Division 9.

35 (d) As used in this section, "relative" means an adult who is  
36 related to the minor by blood, adoption, or affinity within the fifth  
37 degree of kinship, including stepparents, stepsiblings, and all  
38 relatives whose status is preceded by the words "great,"  
39 "great-great," or "grand," or the spouse of any of those persons  
40 even if the marriage was terminated by death or dissolution. If the

1 proposed permanent plan is guardianship with an approved relative  
2 caregiver for a minor eligible for aid under the Kin-GAP Program,  
3 as provided in Article 4.7 (commencing with Section 11385) of  
4 Chapter 2 of Part 3 of Division 9, “relative” as used in this section  
5 has the same meaning as “relative” as defined in subdivision (c)  
6 of Section 11391.

7 SEC. 13. Section 366.26 of the Welfare and Institutions Code  
8 is amended to read:

9 366.26. (a) This section applies to children who are adjudged  
10 dependent children of the juvenile court pursuant to subdivision  
11 (d) of Section 360. The procedures specified herein are the  
12 exclusive procedures for conducting these hearings; Part 2  
13 (commencing with Section 3020) of Division 8 of the Family Code  
14 is not applicable to these proceedings. Section 8616.5 of the Family  
15 Code is applicable and available to all dependent children meeting  
16 the requirements of that section, if the postadoption contact  
17 agreement has been entered into voluntarily. For children who are  
18 adjudged dependent children of the juvenile court pursuant to  
19 subdivision (d) of Section 360, this section and Sections 8604,  
20 8605, 8606, and 8700 of the Family Code and Chapter 5  
21 (commencing with Section 7660) of Part 3 of Division 12 of the  
22 Family Code specify the exclusive procedures for permanently  
23 terminating parental rights with regard to, or establishing legal  
24 guardianship of, the child while the child is a dependent child of  
25 the juvenile court.

26 (b) At the hearing, which shall be held in juvenile court for all  
27 children who are dependents of the juvenile court, the court, in  
28 order to provide stable, permanent homes for these children, shall  
29 review the report as specified in Section 361.5, 366.21, 366.22, or  
30 366.25, shall indicate that the court has read and considered it,  
31 shall receive other evidence that the parties may present, and then  
32 shall make findings and orders in the following order of preference:

33 (1) Terminate the rights of the parent or parents and order that  
34 the child be placed for adoption and, upon the filing of a petition  
35 for adoption in the juvenile court, order that a hearing be set. The  
36 court shall proceed with the adoption after the appellate rights of  
37 the natural parents have been exhausted.

38 (2) Order, without termination of parental rights, the plan of  
39 tribal customary adoption, as described in Section 366.24, through  
40 tribal custom, traditions, or law of the Indian child’s tribe, and

1 upon the court affording the tribal customary adoption order full  
2 faith and credit at the continued selection and implementation  
3 hearing, order that a hearing be set pursuant to paragraph (2) of  
4 subdivision (e).

5 (3) Appoint a relative or relatives with whom the child is  
6 currently residing as legal guardian or guardians for the child, and  
7 order that letters of guardianship issue.

8 (4) On making a finding under paragraph (3) of subdivision (c),  
9 identify adoption or tribal customary adoption as the permanent  
10 placement goal and order that efforts be made to locate an  
11 appropriate adoptive family for the child within a period not to  
12 exceed 180 days.

13 (5) Appoint a nonrelative legal guardian for the child and order  
14 that letters of guardianship issue.

15 (6) Order that the child be permanently placed with a fit and  
16 willing relative, subject to the periodic review of the juvenile court  
17 under Section 366.3.

18 (7) Order that the child remain in foster care, subject to the  
19 conditions described in paragraph (4) of subdivision (c) and the  
20 periodic review of the juvenile court under Section 366.3.

21 In choosing among the above alternatives the court shall proceed  
22 pursuant to subdivision (c).

23 (c) (1) If the court determines, based on the assessment provided  
24 as ordered under subdivision (i) of Section 366.21, subdivision (b)  
25 of Section 366.22, or subdivision (b) of Section 366.25, and any  
26 other relevant evidence, by a clear and convincing standard, that  
27 it is likely the child will be adopted, the court shall terminate  
28 parental rights and order the child placed for adoption. The fact  
29 that the child is not yet placed in a preadoptive home nor with a  
30 relative or foster family who is prepared to adopt the child, shall  
31 not constitute a basis for the court to conclude that it is not likely  
32 the child will be adopted. A finding under subdivision (b) or  
33 paragraph (1) of subdivision (e) of Section 361.5 that reunification  
34 services shall not be offered, under subdivision (e) of Section  
35 366.21 that the whereabouts of a parent have been unknown for  
36 six months or that the parent has failed to visit or contact the child  
37 for six months, or that the parent has been convicted of a felony  
38 indicating parental unfitness, or, under Section 366.21 or 366.22,  
39 that the court has continued to remove the child from the custody  
40 of the parent or guardian and has terminated reunification services,

1 shall constitute a sufficient basis for termination of parental rights.  
2 Under these circumstances, the court shall terminate parental rights  
3 unless either of the following applies:

4 (A) The child is living with a relative who is unable or unwilling  
5 to adopt the child because of circumstances that do not include an  
6 unwillingness to accept legal or financial responsibility for the  
7 child, but who is willing and capable of providing the child with  
8 a stable and permanent environment through legal guardianship,  
9 and the removal of the child from the custody of his or her relative  
10 would be detrimental to the emotional well-being of the child. For  
11 purposes of an Indian child, “relative” shall include an “extended  
12 family member,” as defined in the federal Indian Child Welfare  
13 Act of 1978 (25 U.S.C. Sec. 1903(2)).

14 (B) The court finds a compelling reason for determining that  
15 termination would be detrimental to the child due to one or more  
16 of the following circumstances:

17 (i) The parents have maintained regular visitation and contact  
18 with the child and the child would benefit from continuing the  
19 relationship.

20 (ii) A child 12 years of age or older objects to termination of  
21 parental rights.

22 (iii) The child is placed in a residential treatment facility,  
23 adoption is unlikely or undesirable, and continuation of parental  
24 rights will not prevent finding the child a permanent family  
25 placement if the parents cannot resume custody when residential  
26 care is no longer needed.

27 (iv) The child is living with a foster parent or Indian custodian  
28 who is unable or unwilling to adopt the child because of  
29 exceptional circumstances, that do not include an unwillingness  
30 to accept legal or financial responsibility for the child, but who is  
31 willing and capable of providing the child with a stable and  
32 permanent environment and the removal of the child from the  
33 physical custody of his or her foster parent or Indian custodian  
34 would be detrimental to the emotional well-being of the child. This  
35 clause does not apply to any child who is either (I) under six years  
36 of age or (II) a member of a sibling group where at least one child  
37 is under six years of age and the siblings are, or should be,  
38 permanently placed together.

39 (v) There would be substantial interference with a child’s sibling  
40 relationship, taking into consideration the nature and extent of the

1 relationship, including, but not limited to, whether the child was  
2 raised with a sibling in the same home, whether the child shared  
3 significant common experiences or has existing close and strong  
4 bonds with a sibling, and whether ongoing contact is in the child's  
5 best interest, including the child's long-term emotional interest,  
6 as compared to the benefit of legal permanence through adoption.

7 (vi) The child is an Indian child and there is a compelling reason  
8 for determining that termination of parental rights would not be  
9 in the best interest of the child, including, but not limited to:

10 (I) Termination of parental rights would substantially interfere  
11 with the child's connection to his or her tribal community or the  
12 child's tribal membership rights.

13 (II) The child's tribe has identified guardianship, foster care  
14 with a fit and willing relative, tribal customary adoption, or another  
15 planned permanent living arrangement for the child.

16 (III) The child is a nonminor dependent, and the nonminor and  
17 the nonminor's tribe have identified tribal customary adoption for  
18 the nonminor.

19 (C) For purposes of subparagraph (B), in the case of tribal  
20 customary adoptions, Section 366.24 shall apply.

21 (D) If the court finds that termination of parental rights would  
22 be detrimental to the child pursuant to clause (i), (ii), (iii), (iv),  
23 (v), or (vi), it shall state its reasons in writing or on the record.

24 (2) The court shall not terminate parental rights if:

25 (A) At each hearing at which the court was required to consider  
26 reasonable efforts or services, the court has found that reasonable  
27 efforts were not made or that reasonable services were not offered  
28 or provided.

29 (B) In the case of an Indian child:

30 (i) At the hearing terminating parental rights, the court has found  
31 that active efforts were not made as required in Section 361.7.

32 (ii) The court does not make a determination at the hearing  
33 terminating parental rights, supported by evidence beyond a  
34 reasonable doubt, including testimony of one or more "qualified  
35 expert witnesses" as defined in Section 224.6, that the continued  
36 custody of the child by the parent is likely to result in serious  
37 emotional or physical damage to the child.

38 (iii) The court has ordered tribal customary adoption pursuant  
39 to Section 366.24.



(3) If the court finds that termination of parental rights would not be detrimental to the child pursuant to paragraph (1) and that the child has a probability for adoption but is difficult to place for adoption and there is no identified or available prospective adoptive parent, the court may identify adoption as the permanent placement goal and without terminating parental rights, order that efforts be made to locate an appropriate adoptive family for the child, within the state or out of the state, within a period not to exceed 180 days. During this 180-day period, the public agency responsible for seeking adoptive parents for each child shall, to the extent possible, ask each child who is 10 years of age or older, to identify any individuals, other than the child's siblings, who are important to the child, in order to identify potential adoptive parents. The public agency may ask any other child to provide that information, as appropriate. During the 180-day period, the public agency shall, to the extent possible, contact other private and public adoption agencies regarding the availability of the child for adoption. During the 180-day period, the public agency shall conduct the search for adoptive parents in the same manner as prescribed for children in Sections 8708 and 8709 of the Family Code. At the expiration of this period, another hearing shall be held and the court shall proceed pursuant to paragraph (1), (2), (3), (5), or (6) of subdivision (b). For purposes of this section, a child may only be found to be difficult to place for adoption if there is no identified or available prospective adoptive parent for the child because of the child's membership in a sibling group, or the presence of a diagnosed medical, physical, or mental handicap, or the child is seven years of age or more.

(4) (A) If the court finds that adoption of the child or termination of parental rights is not in the best interest of the child, because one of the conditions in clause (i), (ii), (iii), (iv), (v), or (vi) of subparagraph (B) of paragraph (1) or in paragraph (2) applies, the court shall order that the present caretakers or other appropriate persons shall become legal guardians of the child, or, in the case of an Indian child, consider a tribal customary adoption pursuant to Section 366.24. Legal guardianship shall be considered before continuing the child in foster care under any other permanent plan, if it is in the best interests of the child and if a suitable guardian can be found. If the child continues in foster care, the court shall make factual findings identifying any barriers to

1 achieving adoption, tribal customary adoption in the case of an  
2 Indian child, legal guardianship, or placement with a fit and willing  
3 relative as of the date of the hearing. A child who is 10 years of  
4 age or older, shall be asked to identify any individuals, other than  
5 the child's siblings, who are important to the child, in order to  
6 identify potential guardians or, in the case of an Indian child,  
7 prospective tribal customary adoptive parents. The agency may  
8 ask any other child to provide that information, as appropriate.

9 (B) (i) If the child is living with an approved relative who is  
10 willing and capable of providing a stable and permanent  
11 environment, but not willing to become a legal guardian as of the  
12 hearing date, the court shall order a permanent plan of placement  
13 with a fit and willing relative, and the child shall not be removed  
14 from the home if the court finds the removal would be seriously  
15 detrimental to the emotional well-being of the child because the  
16 child has substantial psychological ties to the relative caretaker.

17 (ii) If the child is living with a nonrelative caregiver who is  
18 willing and capable of providing a stable and permanent  
19 environment, but not willing to become a legal guardian as of the  
20 hearing date, the court shall order that the child remain in foster  
21 care with a permanent plan of return home, adoption, legal  
22 guardianship, or placement with a fit and willing relative, as  
23 appropriate. If the child is 16 years of age or older, or a nonminor  
24 dependent, and no other permanent plan is appropriate at the time  
25 of the hearing, the court may order another planned permanent  
26 living arrangement, as described in paragraph (2) of subdivision  
27 (i) of Section 16501. Regardless of the age of the child, the child  
28 shall not be removed from the home if the court finds the removal  
29 would be seriously detrimental to the emotional well-being of the  
30 child because the child has substantial psychological ties to the  
31 caregiver.

32 (iii) If the child is living in a group home or, on or after January  
33 1, 2017, a short-term residential treatment center, the court shall  
34 order that the child remain in foster care with a permanent plan of  
35 return home, adoption, tribal customary adoption in the case of an  
36 Indian child, legal guardianship, or placement with a fit and willing  
37 relative, as appropriate. If the child is 16 years of age or older, or  
38 a nonminor dependent, and no other permanent plan is appropriate  
39 at the time of the hearing, the court may order another planned

1 permanent living arrangement, as described in paragraph (2) of  
2 subdivision (i) of Section 16501.

3 (C) The court shall also make an order for visitation with the  
4 parents or guardians unless the court finds by a preponderance of  
5 the evidence that the visitation would be detrimental to the physical  
6 or emotional well-being of the child.

7 (5) If the court finds that the child should not be placed for  
8 adoption, that legal guardianship shall not be established, that  
9 placement with a fit and willing relative is not appropriate as of  
10 the hearing date, and that there are no suitable foster parents except  
11 exclusive-use homes available to provide the child with a stable  
12 and permanent environment, the court may order the care, custody,  
13 and control of the child transferred from the county welfare  
14 department to a licensed foster family agency. The court shall  
15 consider the written recommendation of the county welfare director  
16 regarding the suitability of the transfer. The transfer shall be subject  
17 to further court orders.

18 The licensed foster family agency shall place the child in a  
19 suitable licensed or exclusive-use home that has been certified by  
20 the agency as meeting licensing standards. The licensed foster  
21 family agency shall be responsible for supporting the child and  
22 providing appropriate services to the child, including those services  
23 ordered by the court. Responsibility for the support of the child  
24 shall not, in and of itself, create liability on the part of the foster  
25 family agency to third persons injured by the child. Those children  
26 whose care, custody, and control are transferred to a foster family  
27 agency shall not be eligible for foster care maintenance payments  
28 or child welfare services, except for emergency response services  
29 pursuant to Section 16504.

30 (d) The proceeding for the appointment of a guardian for a child  
31 who is a dependent of the juvenile court shall be in the juvenile  
32 court. If the court finds pursuant to this section that legal  
33 guardianship is the appropriate permanent plan, it shall appoint  
34 the legal guardian and issue letters of guardianship. The assessment  
35 prepared pursuant to subdivision (g) of Section 361.5, subdivision  
36 (i) of Section 366.21, subdivision (b) of Section 366.22, and  
37 subdivision (b) of Section 366.25 shall be read and considered by  
38 the court prior to the appointment, and this shall be reflected in  
39 the minutes of the court. The person preparing the assessment may  
40 be called and examined by any party to the proceeding.

(e) (1) The proceeding for the adoption of a child who is a dependent of the juvenile court shall be in the juvenile court if the court finds pursuant to this section that adoption is the appropriate permanent plan and the petition for adoption is filed in the juvenile court. Upon the filing of a petition for adoption, the juvenile court shall order that an adoption hearing be set. The court shall proceed with the adoption after the appellate rights of the natural parents have been exhausted. The full report required by Section 8715 of the Family Code shall be read and considered by the court prior to the adoption and this shall be reflected in the minutes of the court. The person preparing the report may be called and examined by any party to the proceeding. It is the intent of the Legislature, pursuant to this subdivision, to give potential adoptive parents the option of filing in the juvenile court the petition for the adoption of a child who is a dependent of the juvenile court. Nothing in this section is intended to prevent the filing of a petition for adoption in any other court as permitted by law, instead of in the juvenile court.

(2) In the case of an Indian child, if the Indian child's tribe has elected a permanent plan of tribal customary adoption, the court, upon receiving the tribal customary adoption order will afford the tribal customary adoption order full faith and credit to the same extent that the court would afford full faith and credit to the public acts, records, judicial proceedings, and judgments of any other entity. Upon a determination that the tribal customary adoption order may be afforded full faith and credit, consistent with Section 224.5, the court shall thereafter order a hearing to finalize the adoption be set upon the filing of the adoption petition. The prospective tribal customary adoptive parents and the child who is the subject of the tribal customary adoption petition shall appear before the court for the finalization hearing. The court shall thereafter issue an order of adoption pursuant to Section 366.24.

(3) If a child who is the subject of a finalized tribal customary adoption shows evidence of a developmental disability or mental illness as a result of conditions existing before the tribal customary adoption to the extent that the child cannot be relinquished to a licensed adoption agency on the grounds that the child is considered unadoptable, and of which condition the tribal customary adoptive parent or parents had no knowledge or notice before the entry of the tribal customary adoption order, a petition setting forth those

1 facts may be filed by the tribal customary adoptive parent or  
2 parents with the juvenile court that granted the tribal customary  
3 adoption petition. If these facts are proved to the satisfaction of  
4 the juvenile court, it may make an order setting aside the tribal  
5 customary adoption order. The set-aside petition shall be filed  
6 within five years of the issuance of the tribal customary adoption  
7 order. The court clerk shall immediately notify the child's tribe  
8 and the department in Sacramento of the petition within 60 days  
9 after the notice of filing of the petition. The department shall file  
10 a full report with the court and shall appear before the court for  
11 the purpose of representing the child. Whenever a final decree of  
12 tribal customary adoption has been vacated or set aside, the child  
13 shall be returned to the custody of the county in which the  
14 proceeding for tribal customary adoption was finalized. The  
15 biological parent or parents of the child may petition for return of  
16 custody. The disposition of the child after the court has entered an  
17 order to set aside a tribal customary adoption shall include  
18 consultation with the child's tribe.

19 (f) At the beginning of any proceeding pursuant to this section,  
20 if the child or the parents are not being represented by previously  
21 retained or appointed counsel, the court shall proceed as follows:

22 (1) In accordance with subdivision (c) of Section 317, if a child  
23 before the court is without counsel, the court shall appoint counsel  
24 unless the court finds that the child would not benefit from the  
25 appointment of counsel. The court shall state on the record its  
26 reasons for that finding.

27 (2) If a parent appears without counsel and is unable to afford  
28 counsel, the court shall appoint counsel for the parent, unless this  
29 representation is knowingly and intelligently waived. The same  
30 counsel shall not be appointed to represent both the child and his  
31 or her parent. The public defender or private counsel may be  
32 appointed as counsel for the parent.

33 (3) Private counsel appointed under this section shall receive a  
34 reasonable sum for compensation and expenses, the amount of  
35 which shall be determined by the court. The amount shall be paid  
36 by the real parties in interest, other than the child, in any  
37 proportions the court deems just. However, if the court finds that  
38 any of the real parties in interest are unable to afford counsel, the  
39 amount shall be paid out of the general fund of the county.

1 (g) The court may continue the proceeding for a period of time  
2 not to exceed 30 days as necessary to appoint counsel, and to  
3 enable counsel to become acquainted with the case.

4 (h) (1) At all proceedings under this section, the court shall  
5 consider the wishes of the child and shall act in the best interests  
6 of the child.

7 (2) In accordance with Section 349, the child shall be present  
8 in court if the child or the child's counsel so requests or the court  
9 so orders. If the child is 10 years of age or older and is not present  
10 at a hearing held pursuant to this section, the court shall determine  
11 whether the minor was properly notified of his or her right to attend  
12 the hearing and inquire as to the reason why the child is not present.

13 (3) (A) The testimony of the child may be taken in chambers  
14 and outside the presence of the child's parent or parents, if the  
15 child's parent or parents are represented by counsel, the counsel  
16 is present, and any of the following circumstances exists:

17 (i) The court determines that testimony in chambers is necessary  
18 to ensure truthful testimony.

19 (ii) The child is likely to be intimidated by a formal courtroom  
20 setting.

21 (iii) The child is afraid to testify in front of his or her parent or  
22 parents.

23 (B) After testimony in chambers, the parent or parents of the  
24 child may elect to have the court reporter read back the testimony  
25 or have the testimony summarized by counsel for the parent or  
26 parents.

27 (C) The testimony of a child also may be taken in chambers and  
28 outside the presence of the guardian or guardians of a child under  
29 the circumstances specified in this subdivision.

30 (i) (1) Any order of the court permanently terminating parental  
31 rights under this section shall be conclusive and binding upon the  
32 child, upon the parent or parents and upon all other persons who  
33 have been served with citation by publication or otherwise as  
34 provided in this chapter. After making the order, the juvenile court  
35 shall have no power to set aside, change, or modify it, except as  
36 provided in paragraph (2), but nothing in this section shall be  
37 construed to limit the right to appeal the order.

38 (2) A tribal customary adoption order evidencing that the Indian  
39 child has been the subject of a tribal customary adoption shall be  
40 afforded full faith and credit and shall have the same force and

1 effect as an order of adoption authorized by this section. The rights  
2 and obligations of the parties as to the matters determined by the  
3 Indian child's tribe shall be binding on all parties. A court shall  
4 not order compliance with the order absent a finding that the party  
5 seeking the enforcement participated, or attempted to participate,  
6 in good faith, in family mediation services of the court or dispute  
7 resolution through the tribe regarding the conflict, prior to the  
8 filing of the enforcement action.

9 (3) A child who has not been adopted after the passage of at  
10 least three years from the date the court terminated parental rights  
11 and for whom the court has determined that adoption is no longer  
12 the permanent plan may petition the juvenile court to reinstate  
13 parental rights pursuant to the procedure prescribed by Section  
14 388. The child may file the petition prior to the expiration of this  
15 three-year period if the State Department of Social Services, county  
16 adoption agency, or licensed adoption agency that is responsible  
17 for custody and supervision of the child as described in subdivision  
18 (j) and the child stipulate that the child is no longer likely to be  
19 adopted. A child over 12 years of age shall sign the petition in the  
20 absence of a showing of good cause as to why the child could not  
21 do so. If it appears that the best interests of the child may be  
22 promoted by reinstatement of parental rights, the court shall order  
23 that a hearing be held and shall give prior notice, or cause prior  
24 notice to be given, to the social worker or probation officer and to  
25 the child's attorney of record, or, if there is no attorney of record  
26 for the child, to the child, and the child's tribe, if applicable, by  
27 means prescribed by subdivision (c) of Section 297. The court  
28 shall order the child or the social worker or probation officer to  
29 give prior notice of the hearing to the child's former parent or  
30 parents whose parental rights were terminated in the manner  
31 prescribed by subdivision (f) of Section 294 where the  
32 recommendation is adoption. The juvenile court shall grant the  
33 petition if it finds by clear and convincing evidence that the child  
34 is no longer likely to be adopted and that reinstatement of parental  
35 rights is in the child's best interest. If the court reinstates parental  
36 rights over a child who is under 12 years of age and for whom the  
37 new permanent plan will not be reunification with a parent or legal  
38 guardian, the court shall specify the factual basis for its findings  
39 that it is in the best interest of the child to reinstate parental rights.  
40 This subdivision is intended to be retroactive and applies to any

1 child who is under the jurisdiction of the juvenile court at the time  
2 of the hearing regardless of the date parental rights were terminated.

3 (j) If the court, by order or judgment, declares the child free  
4 from the custody and control of both parents, or one parent if the  
5 other does not have custody and control, or declares the child  
6 eligible for tribal customary adoption, the court shall at the same  
7 time order the child referred to the State Department of Social  
8 Services, county adoption agency, or licensed adoption agency for  
9 adoptive placement by the agency. However, except in the case  
10 of a tribal customary adoption where there is no termination of  
11 parental rights, a petition for adoption may not be granted until  
12 the appellate rights of the natural parents have been exhausted.  
13 The State Department of Social Services, county adoption agency,  
14 or licensed adoption agency shall be responsible for the custody  
15 and supervision of the child and shall be entitled to the exclusive  
16 care and control of the child at all times until a petition for adoption  
17 or tribal customary adoption is granted, except as specified in  
18 subdivision (n). With the consent of the agency, the court may  
19 appoint a guardian of the child, who shall serve until the child is  
20 adopted.

21 (k) Notwithstanding any other law, the application of any person  
22 who, as a relative caretaker or foster parent, has cared for a  
23 dependent child for whom the court has approved a permanent  
24 plan for adoption, or who has been freed for adoption, shall be  
25 given preference with respect to that child over all other  
26 applications for adoptive placement if the agency making the  
27 placement determines that the child has substantial emotional ties  
28 to the relative caretaker or foster parent and removal from the  
29 relative caretaker or foster parent would be seriously detrimental  
30 to the child's emotional well-being.

31 As used in this subdivision, "preference" means that the  
32 application shall be processed and, if satisfactory, the family study  
33 shall be completed before the processing of the application of any  
34 other person for the adoptive placement of the child.

35 (l) (1) An order by the court that a hearing pursuant to this  
36 section be held is not appealable at any time unless all of the  
37 following apply:

38 (A) A petition for extraordinary writ review was filed in a timely  
39 manner.



1 (B) The petition substantively addressed the specific issues to  
2 be challenged and supported that challenge by an adequate record.

3 (C) The petition for extraordinary writ review was summarily  
4 denied or otherwise not decided on the merits.

5 (2) Failure to file a petition for extraordinary writ review within  
6 the period specified by rule, to substantively address the specific  
7 issues challenged, or to support that challenge by an adequate  
8 record shall preclude subsequent review by appeal of the findings  
9 and orders made pursuant to this section.

10 (3) The Judicial Council shall adopt rules of court, effective  
11 January 1, 1995, to ensure all of the following:

12 (A) A trial court, after issuance of an order directing a hearing  
13 pursuant to this section be held, shall advise all parties of the  
14 requirement of filing a petition for extraordinary writ review as  
15 set forth in this subdivision in order to preserve any right to appeal  
16 in these issues. This notice shall be made orally to a party if the  
17 party is present at the time of the making of the order or by  
18 first-class mail by the clerk of the court to the last known address  
19 of a party not present at the time of the making of the order.

20 (B) The prompt transmittal of the records from the trial court  
21 to the appellate court.

22 (C) That adequate time requirements for counsel and court  
23 personnel exist to implement the objective of this subdivision.

24 (D) That the parent or guardian, or their trial counsel or other  
25 counsel, is charged with the responsibility of filing a petition for  
26 extraordinary writ relief pursuant to this subdivision.

27 (4) The intent of this subdivision is to do both of the following:

28 (A) Make every reasonable attempt to achieve a substantive and  
29 meritorious review by the appellate court within the time specified  
30 in Sections 366.21, 366.22, and 366.25 for holding a hearing  
31 pursuant to this section.

32 (B) Encourage the appellate court to determine all writ petitions  
33 filed pursuant to this subdivision on their merits.

34 (5) This subdivision shall only apply to cases in which an order  
35 to set a hearing pursuant to this section is issued on or after January  
36 1, 1995.

37 (m) Except for subdivision (j), this section shall also apply to  
38 minors adjudged wards pursuant to Section 727.31.

39 (n) (1) Notwithstanding Section 8704 of the Family Code or  
40 any other law, the court, at a hearing held pursuant to this section

1 or anytime thereafter, may designate a current caretaker as a  
2 prospective adoptive parent if the child has lived with the caretaker  
3 for at least six months, the caretaker currently expresses a  
4 commitment to adopt the child, and the caretaker has taken at least  
5 one step to facilitate the adoption process. In determining whether  
6 to make that designation, the court may take into consideration  
7 whether the caretaker is listed in the preliminary assessment  
8 prepared by the county department in accordance with subdivision  
9 (i) of Section 366.21 as an appropriate person to be considered as  
10 an adoptive parent for the child and the recommendation of the  
11 State Department of Social Services, county adoption agency, or  
12 licensed adoption agency.

13 (2) For purposes of this subdivision, steps to facilitate the  
14 adoption process include, but are not limited to, the following:

15 (A) Applying for an adoption home study.

16 (B) Cooperating with an adoption home study.

17 (C) Being designated by the court or the adoption agency as the  
18 adoptive family.

19 (D) Requesting de facto parent status.

20 (E) Signing an adoptive placement agreement.

21 (F) Engaging in discussions regarding a postadoption contact  
22 agreement.

23 (G) Working to overcome any impediments that have been  
24 identified by the State Department of Social Services, county  
25 adoption agency, or licensed adoption agency.

26 (H) Attending classes required of prospective adoptive parents.

27 (3) Prior to a change in placement and as soon as possible after  
28 a decision is made to remove a child from the home of a designated  
29 prospective adoptive parent, the agency shall notify the court, the  
30 designated prospective adoptive parent or the current caretaker, if  
31 that caretaker would have met the threshold criteria to be  
32 designated as a prospective adoptive parent pursuant to paragraph  
33 (1) on the date of service of this notice, the child's attorney, and  
34 the child, if the child is 10 years of age or older, of the proposal  
35 in the manner described in Section 16010.6.

36 (A) Within five court days or seven calendar days, whichever  
37 is longer, of the date of notification, the child, the child's attorney,  
38 or the designated prospective adoptive parent may file a petition  
39 with the court objecting to the proposal to remove the child, or the  
40 court, upon its own motion, may set a hearing regarding the

1 proposal. The court may, for good cause, extend the filing period.  
2 A caretaker who would have met the threshold criteria to be  
3 designated as a prospective adoptive parent pursuant to paragraph  
4 (1) on the date of service of the notice of proposed removal of the  
5 child may file, together with the petition under this subparagraph,  
6 a petition for an order designating the caretaker as a prospective  
7 adoptive parent for purposes of this subdivision.

8 (B) A hearing ordered pursuant to this paragraph shall be held  
9 as soon as possible and not later than five court days after the  
10 petition is filed with the court or the court sets a hearing upon its  
11 own motion, unless the court for good cause is unable to set the  
12 matter for hearing five court days after the petition is filed, in  
13 which case the court shall set the matter for hearing as soon as  
14 possible. At the hearing, the court shall determine whether the  
15 caretaker has met the threshold criteria to be designated as a  
16 prospective adoptive parent pursuant to paragraph (1), and whether  
17 the proposed removal of the child from the home of the designated  
18 prospective adoptive parent is in the child's best interest, and the  
19 child may not be removed from the home of the designated  
20 prospective adoptive parent unless the court finds that removal is  
21 in the child's best interest. If the court determines that the caretaker  
22 did not meet the threshold criteria to be designated as a prospective  
23 adoptive parent on the date of service of the notice of proposed  
24 removal of the child, the petition objecting to the proposed removal  
25 filed by the caretaker shall be dismissed. If the caretaker was  
26 designated as a prospective adoptive parent prior to this hearing,  
27 the court shall inquire into any progress made by the caretaker  
28 towards the adoption of the child since the caretaker was designated  
29 as a prospective adoptive parent.

30 (C) A determination by the court that the caretaker is a  
31 designated prospective adoptive parent pursuant to paragraph (1)  
32 or subparagraph (B) does not make the caretaker a party to the  
33 dependency proceeding nor does it confer on the caretaker any  
34 standing to object to any other action of the department, county  
35 adoption agency, or licensed adoption agency, unless the caretaker  
36 has been declared a de facto parent by the court prior to the notice  
37 of removal served pursuant to paragraph (3).

38 (D) If a petition objecting to the proposal to remove the child  
39 is not filed, and the court, upon its own motion, does not set a

1 hearing, the child may be removed from the home of the designated  
2 prospective adoptive parent without a hearing.

3 (4) Notwithstanding paragraph (3), if the State Department of  
4 Social Services, county adoption agency, or licensed adoption  
5 agency determines that the child must be removed from the home  
6 of the caretaker who is or may be a designated prospective adoptive  
7 parent immediately, due to a risk of physical or emotional harm,  
8 the agency may remove the child from that home and is not  
9 required to provide notice prior to the removal. However, as soon  
10 as possible and not longer than two court days after the removal,  
11 the agency shall notify the court, the caretaker who is or may be  
12 a designated prospective adoptive parent, the child's attorney, and  
13 the child, if the child is 10 years of age or older, of the removal.  
14 Within five court days or seven calendar days, whichever is longer,  
15 of the date of notification of the removal, the child, the child's  
16 attorney, or the caretaker who is or may be a designated prospective  
17 adoptive parent may petition for, or the court on its own motion  
18 may set, a noticed hearing pursuant to paragraph (3). The court  
19 may, for good cause, extend the filing period.

20 (5) Except as provided in subdivision (b) of Section 366.28, an  
21 order by the court issued after a hearing pursuant to this subdivision  
22 shall not be appealable.

23 (6) Nothing in this section shall preclude a county child  
24 protective services agency from fully investigating and responding  
25 to alleged abuse or neglect of a child pursuant to Section 11165.5  
26 of the Penal Code.

27 (7) The Judicial Council shall prepare forms to facilitate the  
28 filing of the petitions described in this subdivision, which shall  
29 become effective on January 1, 2006.

30 SEC. 14. Section 366.3 of the Welfare and Institutions Code  
31 is amended to read:

32 366.3. (a) If a juvenile court orders a permanent plan of  
33 adoption, tribal customary adoption, adoption of a nonminor  
34 dependent pursuant to subdivision (f) of Section 366.31, or legal  
35 guardianship pursuant to Section 360 or 366.26, the court shall  
36 retain jurisdiction over the child or nonminor dependent until the  
37 child or nonminor dependent is adopted or the legal guardianship  
38 is established, except as provided for in Section 366.29 or, on and  
39 after January 1, 2012, Section 366.32. The status of the child or  
40 nonminor dependent shall be reviewed every six months to ensure

1 that the adoption or legal guardianship is completed as  
2 expeditiously as possible. When the adoption of the child or  
3 nonminor dependent has been granted, or in the case of a tribal  
4 customary adoption, when the tribal customary adoption order has  
5 been afforded full faith and credit and the petition for adoption  
6 has been granted, the court shall terminate its jurisdiction over the  
7 child or nonminor dependent. Following establishment of a legal  
8 guardianship, the court may continue jurisdiction over the child  
9 as a dependent child of the juvenile court or may terminate its  
10 dependency jurisdiction and retain jurisdiction over the child as a  
11 ward of the legal guardianship, as authorized by Section 366.4. If,  
12 however, a relative of the child is appointed the legal guardian of  
13 the child and the child has been placed with the relative for at least  
14 six months, the court shall, except if the relative guardian objects,  
15 or upon a finding of exceptional circumstances, terminate its  
16 dependency jurisdiction and retain jurisdiction over the child as a  
17 ward of the guardianship, as authorized by Section 366.4.  
18 Following a termination of parental rights, the parent or parents  
19 shall not be a party to, or receive notice of, any subsequent  
20 proceedings regarding the child.

21 (b) (1) If the court has dismissed dependency jurisdiction  
22 following the establishment of a legal guardianship, or no  
23 dependency jurisdiction attached because of the granting of a legal  
24 guardianship pursuant to Section 360, and the legal guardianship  
25 is subsequently revoked or otherwise terminated, the county  
26 department of social services or welfare department shall notify  
27 the juvenile court of this fact. The court may vacate its previous  
28 order dismissing dependency jurisdiction over the child.

29 (2) Notwithstanding Section 1601 of the Probate Code, the  
30 proceedings to terminate a legal guardianship that has been granted  
31 pursuant to Section 360 or 366.26 shall be held either in the  
32 juvenile court that retains jurisdiction over the guardianship as  
33 authorized by Section 366.4 or the juvenile court in the county  
34 where the guardian and child currently reside, based on the best  
35 interests of the child, unless the termination is due to the  
36 emancipation or adoption of the child. The juvenile court having  
37 jurisdiction over the guardianship shall receive notice from the  
38 court in which the petition is filed within five calendar days of the  
39 filing. Prior to the hearing on a petition to terminate legal  
40 guardianship pursuant to this subdivision, the court shall order the

1 county department of social services or welfare department having  
2 jurisdiction or jointly with the county department where the  
3 guardian and child currently reside to prepare a report, for the  
4 court's consideration, that shall include an evaluation of whether  
5 the child could safely remain in, or be returned to, the legal  
6 guardian's home, without terminating the legal guardianship, if  
7 services were provided to the child or legal guardian. If applicable,  
8 the report shall also identify recommended family maintenance or  
9 reunification services to maintain the legal guardianship and set  
10 forth a plan for providing those services. If the petition to terminate  
11 legal guardianship is granted, either juvenile court may resume  
12 dependency jurisdiction over the child, and may order the county  
13 department of social services or welfare department to develop a  
14 new permanent plan, which shall be presented to the court within  
15 60 days of the termination. If no dependency jurisdiction has  
16 attached, the social worker shall make any investigation he or she  
17 deems necessary to determine whether the child may be within the  
18 jurisdiction of the juvenile court, as provided in Section 328.

19 (3) Unless the parental rights of the child's parent or parents  
20 have been terminated, they shall be notified that the legal  
21 guardianship has been revoked or terminated and shall be entitled  
22 to participate in the new permanency planning hearing. The court  
23 shall try to place the child in another permanent placement. At the  
24 hearing, the parents may be considered as custodians but the child  
25 shall not be returned to the parent or parents unless they prove, by  
26 a preponderance of the evidence, that reunification is the best  
27 alternative for the child. The court may, if it is in the best interests  
28 of the child, order that reunification services again be provided to  
29 the parent or parents.

30 (c) If, following the establishment of a legal guardianship, the  
31 county welfare department becomes aware of changed  
32 circumstances that indicate adoption or, for an Indian child, tribal  
33 customary adoption, may be an appropriate plan for the child, the  
34 department shall so notify the court. The court may vacate its  
35 previous order dismissing dependency jurisdiction over the child  
36 and order that a hearing be held pursuant to Section 366.26 to  
37 determine whether adoption or continued legal guardianship is the  
38 most appropriate plan for the child. The hearing shall be held no  
39 later than 120 days from the date of the order. If the court orders  
40 that a hearing shall be held pursuant to Section 366.26, the court

1 shall direct the agency supervising the child and the county  
2 adoption agency, or the State Department of Social Services if it  
3 is acting as an adoption agency, to prepare an assessment under  
4 subdivision (b) of Section 366.22.

5 (d) If the child or, on and after January 1, 2012, nonminor  
6 dependent is in a placement other than the home of a legal guardian  
7 and jurisdiction has not been dismissed, the status of the child shall  
8 be reviewed at least every six months. The review of the status of  
9 a child for whom the court has ordered parental rights terminated  
10 and who has been ordered placed for adoption shall be conducted  
11 by the court. The review of the status of a child or, on and after  
12 January 1, 2012, nonminor dependent for whom the court has not  
13 ordered parental rights terminated and who has not been ordered  
14 placed for adoption may be conducted by the court or an  
15 appropriate local agency. The court shall conduct the review under  
16 the following circumstances:

17 (1) Upon the request of the child's parents or legal guardians.

18 (2) Upon the request of the child or, on and after January 1,  
19 2012, nonminor dependent.

20 (3) It has been 12 months since a hearing held pursuant to  
21 Section 366.26 or an order that the child remain in foster care  
22 pursuant to Section 366.21, 366.22, 366.25, 366.26, or subdivision  
23 (h).

24 (4) It has been 12 months since a review was conducted by the  
25 court.

26 The court shall determine whether or not reasonable efforts to  
27 make and finalize a permanent placement for the child have been  
28 made.

29 (e) Except as provided in subdivision (g), at the review held  
30 every six months pursuant to subdivision (d), the reviewing body  
31 shall inquire about the progress being made to provide a permanent  
32 home for the child, shall consider the safety of the child, and shall  
33 determine all of the following:

34 (1) The continuing necessity for, and appropriateness of, the  
35 placement.

36 (2) Identification of individuals other than the child's siblings  
37 who are important to a child who is 10 years of age or older and  
38 has been in out-of-home placement for six months or longer, and  
39 actions necessary to maintain the child's relationship with those  
40 individuals, provided that those relationships are in the best interest

1 of the child. The social worker shall ask every child who is 10  
2 years of age or older and who has been in out-of-home placement  
3 for six months or longer to identify individuals other than the  
4 child's siblings who are important to the child, and may ask any  
5 other child to provide that information, as appropriate. The social  
6 worker shall make efforts to identify other individuals who are  
7 important to the child, consistent with the child's best interests.

8 (3) The continuing appropriateness and extent of compliance  
9 with the permanent plan for the child, including efforts to maintain  
10 relationships between a child who is 10 years of age or older and  
11 who has been in out-of-home placement for six months or longer  
12 and individuals who are important to the child and efforts to  
13 identify a prospective adoptive parent or legal guardian, including,  
14 but not limited to, child-specific recruitment efforts and listing on  
15 an adoption exchange.

16 (4) The extent of the agency's compliance with the child welfare  
17 services case plan in making reasonable efforts either to return the  
18 child to the safe home of the parent or to complete whatever steps  
19 are necessary to finalize the permanent placement of the child. If  
20 the reviewing body determines that a second period of reunification  
21 services is in the child's best interests, and that there is a significant  
22 likelihood of the child's return to a safe home due to changed  
23 circumstances of the parent, pursuant to subdivision (f), the specific  
24 reunification services required to effect the child's return to a safe  
25 home shall be described.

26 (5) Whether there should be any limitation on the right of the  
27 parent or guardian to make educational decisions or developmental  
28 services decisions for the child. That limitation shall be specifically  
29 addressed in the court order and may not exceed what is necessary  
30 to protect the child. If the court specifically limits the right of the  
31 parent or guardian to make educational decisions or developmental  
32 services decisions for the child, the court shall at the same time  
33 appoint a responsible adult to make educational decisions or  
34 developmental services decisions for the child pursuant to Section  
35 361.

36 (6) The adequacy of services provided to the child. The court  
37 shall consider the progress in providing the information and  
38 documents to the child, as described in Section 391. The court  
39 shall also consider the need for, and progress in providing, the  
40 assistance and services described in Section 391.



1 (7) The extent of progress the parents or legal guardians have  
2 made toward alleviating or mitigating the causes necessitating  
3 placement in foster care.

4 (8) The likely date by which the child may be returned to, and  
5 safely maintained in, the home, placed for adoption, legal  
6 guardianship, placed with a fit and willing relative, or, for an Indian  
7 child, in consultation with the child's tribe, placed for tribal  
8 customary adoption, or, if the child is 16 years of age or older, and  
9 no other permanent plan is appropriate at the time of the hearing,  
10 in another planned permanent living arrangement.

11 (9) Whether the child has any siblings under the court's  
12 jurisdiction, and, if any siblings exist, all of the following:

13 (A) The nature of the relationship between the child and his or  
14 her siblings.

15 (B) The appropriateness of developing or maintaining the sibling  
16 relationships pursuant to Section 16002.

17 (C) If the siblings are not placed together in the same home,  
18 why the siblings are not placed together and what efforts are being  
19 made to place the siblings together, or why those efforts are not  
20 appropriate.

21 (D) If the siblings are not placed together, all of the following:

22 (i) The frequency and nature of the visits between the siblings.

23 (ii) If there are visits between the siblings, whether the visits  
24 are supervised or unsupervised. If the visits are supervised, a  
25 discussion of the reasons why the visits are supervised, and what  
26 needs to be accomplished in order for the visits to be unsupervised.

27 (iii) If there are visits between the siblings, a description of the  
28 location and length of the visits.

29 (iv) Any plan to increase visitation between the siblings.

30 (E) The impact of the sibling relationships on the child's  
31 placement and planning for legal permanence.

32 The factors the court may consider as indicators of the nature of  
33 the child's sibling relationships include, but are not limited to,  
34 whether the siblings were raised together in the same home,  
35 whether the siblings have shared significant common experiences  
36 or have existing close and strong bonds, whether either sibling  
37 expresses a desire to visit or live with his or her sibling, as  
38 applicable, and whether ongoing contact is in the child's best  
39 emotional interests.

(10) For a child who is 14 years of age or older, and, effective January 1, 2012, for a nonminor dependent, the services needed to assist the child or nonminor dependent to make the transition from foster care to successful adulthood.

The reviewing body shall determine whether or not reasonable efforts to make and finalize a permanent placement for the child have been made.

Each licensed foster family agency shall submit reports for each child in its care, custody, and control to the court concerning the continuing appropriateness and extent of compliance with the child's permanent plan, the extent of compliance with the case plan, and the type and adequacy of services provided to the child.

(f) Unless their parental rights have been permanently terminated, the parent or parents of the child are entitled to receive notice of, and participate in, those hearings. It shall be presumed that continued care is in the best interests of the child, unless the parent or parents prove, by a preponderance of the evidence, that further efforts at reunification are the best alternative for the child. In those cases, the court may order that further reunification services to return the child to a safe home environment be provided to the parent or parents up to a period of six months, and family maintenance services, as needed for an additional six months in order to return the child to a safe home environment. On and after January 1, 2012, this subdivision shall not apply to the parents of a nonminor dependent.

(g) At the review conducted by the court and held at least every six months, regarding a child for whom the court has ordered parental rights terminated and who has been ordered placed for adoption, or, for an Indian child for whom parental rights are not being terminated and a tribal customary adoption is being considered, the county welfare department shall prepare and present to the court a report describing the following:

(1) The child's present placement.

(2) The child's current physical, mental, emotional, and educational status.

(3) If the child has not been placed with a prospective adoptive parent or guardian, identification of individuals, other than the child's siblings, who are important to the child and actions necessary to maintain the child's relationship with those individuals, provided that those relationships are in the best interest

1 of the child. The agency shall ask every child who is 10 years of  
2 age or older to identify any individuals who are important to him  
3 or her, consistent with the child's best interest, and may ask any  
4 child who is younger than 10 years of age to provide that  
5 information as appropriate. The agency shall make efforts to  
6 identify other individuals who are important to the child.

7 (4) Whether the child has been placed with a prospective  
8 adoptive parent or parents.

9 (5) Whether an adoptive placement agreement has been signed  
10 and filed.

11 (6) If the child has not been placed with a prospective adoptive  
12 parent or parents, the efforts made to identify an appropriate  
13 prospective adoptive parent or legal guardian, including, but not  
14 limited to, child-specific recruitment efforts and listing on an  
15 adoption exchange.

16 (7) Whether the final adoption order should include provisions  
17 for postadoptive sibling contact pursuant to Section 366.29.

18 (8) The progress of the search for an adoptive placement if one  
19 has not been identified.

20 (9) Any impediments to the adoption or the adoptive placement.

21 (10) The anticipated date by which the child will be adopted or  
22 placed in an adoptive home.

23 (11) The anticipated date by which an adoptive placement  
24 agreement will be signed.

25 (12) Recommendations for court orders that will assist in the  
26 placement of the child for adoption or in the finalization of the  
27 adoption.

28 The court shall determine whether or not reasonable efforts to  
29 make and finalize a permanent placement for the child have been  
30 made.

31 The court shall make appropriate orders to protect the stability  
32 of the child and to facilitate and expedite the permanent placement  
33 and adoption of the child.

34 (h) (1) At the review held pursuant to subdivision (d) for a child  
35 in foster care, the court shall consider all permanency planning  
36 options for the child including whether the child should be returned  
37 to the home of the parent, placed for adoption, or, for an Indian  
38 child, in consultation with the child's tribe, placed for tribal  
39 customary adoption, or appointed a legal guardian, placed with a  
40 fit and willing relative, or, if compelling reasons exist for finding

1 that none of the foregoing options are in the best interest of the  
2 child and the child is 16 years of age or older, whether the child  
3 should be placed in another planned permanent living arrangement.  
4 The court shall order that a hearing be held pursuant to Section  
5 366.26, unless it determines by clear and convincing evidence that  
6 there is a compelling reason for determining that a hearing held  
7 pursuant to Section 366.26 is not in the best interest of the child  
8 because the child is being returned to the home of the parent, the  
9 child is not a proper subject for adoption, or no one is willing to  
10 accept legal guardianship as of the hearing date. If the county  
11 adoption agency, or the department when it is acting as an adoption  
12 agency, has determined it is unlikely that the child will be adopted  
13 or one of the conditions described in paragraph (1) of subdivision  
14 (c) of Section 366.26 applies, that fact shall constitute a compelling  
15 reason for purposes of this subdivision. Only upon that  
16 determination may the court order that the child remain in foster  
17 care, without holding a hearing pursuant to Section 366.26. The  
18 court shall make factual findings identifying any barriers to  
19 achieving the permanent plan as of the hearing date. On and after  
20 January 1, 2012, the nonminor dependent's legal status as an adult  
21 is in and of itself a compelling reason not to hold a hearing pursuant  
22 to Section 366.26.

23 (2) When the child is 16 years of age or older and in another  
24 planned permanent living arrangement, the court shall do all of  
25 the following:

26 (A) Ask the child about his or her desired permanency outcome.

27 (B) Make a judicial determination explaining why, as of the  
28 hearing date, another planned permanent living arrangement is the  
29 best permanency plan for the child.

30 (C) State for the record the compelling reason or reasons why  
31 it continues not to be in the best interest of the child to return home,  
32 be placed for adoption, be placed for tribal customary adoption in  
33 the case of an Indian child, be placed with a legal guardian, or be  
34 placed with a fit and willing relative.

35 (3) When the child is 16 years of age or older and is in another  
36 planned permanent living arrangement, the social study prepared  
37 for the hearing shall include a description of all of the following:

38 (A) The intensive and ongoing efforts to return the child to the  
39 home of the parent, place the child for adoption, or establish a  
40 legal guardianship, as appropriate.

1 (B) The steps taken to do both of the following:

2 (i) Ensure that the child's care provider is following the  
3 reasonable and prudent parent standard.

4 (ii) Determine whether the child has regular, ongoing  
5 opportunities to engage in age or developmentally appropriate  
6 activities, including consulting with the child about opportunities  
7 for the child to participate in those activities.

8 (4) When the child is under 16 years of age and has a permanent  
9 plan of return home, adoption, legal guardianship, or placement  
10 with a fit and willing relative, any barriers to achieving the  
11 permanent plan and the efforts made by the agency address those  
12 barriers.

13 (i) If, as authorized by subdivision (h), the court orders a hearing  
14 pursuant to Section 366.26, the court shall direct the agency  
15 supervising the child and the county adoption agency, or the State  
16 Department of Social Services when it is acting as an adoption  
17 agency, to prepare an assessment as provided for in subdivision  
18 (i) of Section 366.21 or subdivision (b) of Section 366.22. A  
19 hearing held pursuant to Section 366.26 shall be held no later than  
20 120 days from the date of the 12-month review at which it is  
21 ordered, and at that hearing the court shall determine whether  
22 adoption, tribal customary adoption, legal guardianship, placement  
23 with a fit and willing relative, or, for a child 16 years of age or  
24 older, another planned permanent living arrangement is the most  
25 appropriate plan for the child. On and after January 1, 2012, a  
26 hearing pursuant to Section 366.26 shall not be ordered if the child  
27 is a nonminor dependent, unless the nonminor dependent is an  
28 Indian child and tribal customary adoption is recommended as the  
29 permanent plan. The court may order that a nonminor dependent  
30 who otherwise is eligible pursuant to Section 11403 remain in a  
31 planned, permanent living arrangement. At the request of the  
32 nonminor dependent who has an established relationship with an  
33 adult determined to be the nonminor dependent's permanent  
34 connection, the court may order adoption of the nonminor  
35 dependent pursuant to subdivision (f) of Section 366.31.

36 (j) The reviews conducted pursuant to subdivision (a) or (d)  
37 may be conducted earlier than every six months if the court  
38 determines that an earlier review is in the best interests of the child  
39 or as court rules prescribe.

1 SEC. 15. Section 366.31 of the Welfare and Institutions Code  
2 is amended to read:

3 366.31. (a) If a review hearing is the last review hearing to be  
4 held before the minor attains 18 years of age, the court shall ensure  
5 all of the following:

6 (1) The minor's case plan includes a plan for the minor to satisfy  
7 one or more of the participation conditions described in paragraphs  
8 (1) to (5), inclusive, of subdivision (b) of Section 11403, so that  
9 the minor is eligible to remain in foster care as a nonminor  
10 dependent.

11 (2) The minor has been informed of his or her right to seek  
12 termination of dependency jurisdiction pursuant to Section 391,  
13 and understands the potential benefits of continued dependency.

14 (3) The minor is informed of his or her right to have dependency  
15 reinstated pursuant to subdivision (e) of Section 388, and  
16 understands the potential benefits of continued dependency.

17 (b) At the review hearing that occurs in the six-month period  
18 prior to the minor's attaining 18 years of age, and at every  
19 subsequent review hearing for the nonminor dependent, as  
20 described in subdivision (v) of Section 11400, the report shall  
21 describe all of the following:

22 (1) The minor's and nonminor's plans to remain in foster care  
23 and plans to meet one or more of the participation conditions as  
24 described in paragraphs (1) to (5), inclusive, of subdivision (b) of  
25 Section 11403 to continue to receive AFDC-FC benefits as a  
26 nonminor dependent.

27 (2) The efforts made and assistance provided to the minor and  
28 nonminor by the social worker or the probation officer so that the  
29 minor and nonminor will be able to meet the participation  
30 conditions.

31 (3) Efforts toward completing the items described in paragraph  
32 (2) of subdivision (e) of Section 391.

33 (c) The reviews conducted pursuant to this section for a  
34 nonminor dependent shall be conducted in a manner that respects  
35 the nonminor's status as a legal adult, focused on the goals and  
36 services described in the youth's transitional independent living  
37 case plan, as described in subdivision (y) of Section 11400,  
38 including efforts made to maintain connections with caring and  
39 permanently committed adults, and attended, as appropriate, by  
40 additional participants invited by the nonminor dependent.

(d) For a nonminor dependent whose case plan is continued court-ordered family reunification services pursuant to Section 361.6, the court shall consider whether the nonminor dependent may safely reside in the home of the parent or guardian. If the nonminor cannot reside safely in the home of the parent or guardian or if it is not in the nonminor dependent's best interest to reside in the home of the parent or guardian, the court must consider whether to continue or terminate reunification services for the parent or legal guardian.

(1) The review report shall include a discussion of all of the following:

(A) Whether foster care placement continues to be necessary and appropriate.

(B) The likely date by which the nonminor dependent may reside safely in the home of the parent or guardian or will achieve independence.

(C) Whether the parent or guardian and nonminor dependent were actively involved in the development of the case plan.

(D) Whether the social worker or probation officer has provided reasonable services designed to aid the parent or guardian to overcome the problems that led to the initial removal of the nonminor dependent.

(E) The extent of progress the parents or guardian have made toward alleviating or mitigating the causes necessitating placement in foster care.

(F) Whether the nonminor dependent and parent, parents, or guardian are in agreement with the continuation of reunification services.

(G) Whether continued reunification services are in the best interest of the nonminor dependent.

(H) Whether there is a substantial probability that the nonminor dependent will be able to safely reside in the home of the parent or guardian by the next review hearing date.

(I) The efforts to maintain the nonminor's connections with caring and permanently committed adults.

(J) The agency's compliance with the nonminor dependent's transitional independent living case plan, including efforts to finalize the nonminor's permanent plan and prepare the nonminor dependent for independence.

1 (K) The progress in providing the information and documents  
2 to the nonminor dependent as described in Section 391.

3 (2) The court shall inquire about the progress being made to  
4 provide a permanent home for the nonminor, shall consider the  
5 safety of the nonminor dependent, and shall determine all of the  
6 following:

7 (A) The continuing necessity for, and appropriateness of, the  
8 placement.

9 (B) Whether the agency has made reasonable efforts to maintain  
10 relationships between the nonminor dependent and individuals  
11 who are important to the nonminor dependent.

12 (C) The extent of the agency's compliance with the case plan  
13 in making reasonable efforts or, in the case of an Indian child,  
14 active efforts, as described in Section 361.7, to create a safe home  
15 of the parent or guardian for the nonminor to reside in or to  
16 complete whatever steps are necessary to finalize the permanent  
17 placement of the nonminor dependent.

18 (D) The extent of the agency's compliance with the nonminor  
19 dependent's transitional independent living case plan, including  
20 efforts to finalize the youth's permanent plan and prepare the  
21 nonminor dependent for independence.

22 (E) The adequacy of services provided to the parent or guardian  
23 and to the nonminor dependent. The court shall consider the  
24 progress in providing the information and documents to the  
25 nonminor dependent as described in Section 391. The court shall  
26 also consider the need for, and progress in providing, the assistance  
27 and services described in Section 391.

28 (F) The extent of progress the parents or legal guardians have  
29 made toward alleviating or mitigating the causes necessitating  
30 placement in foster care.

31 (G) The likely date by which the nonminor dependent may  
32 safely reside in the home of the parent or guardian or, if the court  
33 is terminating reunification services, the likely date by which it is  
34 anticipated the nonminor dependent will achieve independence,  
35 or, for an Indian child, in consultation with the child's tribe, placed  
36 for tribal customary adoption.

37 (H) Whether the agency has made reasonable efforts as required  
38 in subparagraph (D) of paragraph (1) of subdivision (a) of Section  
39 366 to establish or maintain the nonminor dependent's relationship



1 with his or her siblings who are under the juvenile court's  
2 jurisdiction.

3 (I) The services needed to assist the nonminor dependent to  
4 make the transition from foster care to successful adulthood.

5 (J) Whether or not reasonable efforts to make and finalize a  
6 permanent placement for the nonminor have been made.

7 (3) If the court determines that a nonminor dependent may safely  
8 reside in the home of the parent or former guardian, the court may  
9 order the nonminor dependent to return to the family home. After  
10 the nonminor dependent returns to the family home, the court may  
11 terminate jurisdiction and proceed under applicable provisions of  
12 Section 391 or continue jurisdiction as a nonminor under  
13 subdivision (a) of Section 303 and hold hearings as follows:

14 (A) At every hearing for a nonminor dependent residing in the  
15 home of the parent or guardian, the court shall set a hearing within  
16 six months of the previous hearing. The court shall advise the  
17 parties of their right to be present. At least 10 calendar days before  
18 the hearing, the social worker or probation officer shall file a report  
19 with the court describing the services offered to the family and the  
20 progress made by the family in eliminating the conditions or factors  
21 requiring court supervision. The report shall address all of the  
22 following:

23 (i) Whether the parent or guardian and the nonminor dependent  
24 were actively involved in the development of the case plan.

25 (ii) Whether the social worker or probation officer has provided  
26 reasonable services to eliminate the need for court supervision.

27 (iii) The progress of providing information and documents to  
28 the nonminor dependent as described in Section 391.

29 (B) The court shall inquire about progress being made, shall  
30 consider the safety of the nonminor dependent, and shall determine  
31 all of the following:

32 (i) The continuing need for court supervision.

33 (ii) The extent of the agency's compliance with the case plan  
34 in making reasonable efforts to maintain a safe family home for  
35 the nonminor dependent.

36 (C) If the court finds that court supervision is no longer  
37 necessary, the court shall terminate jurisdiction under applicable  
38 provisions of Section 391.

39 (e) For a nonminor dependent who is no longer receiving  
40 court-ordered family reunification services and is in a permanent

1 plan of another planned permanent living arrangement, at the  
2 review hearing held every six months pursuant to subdivision (d)  
3 of Section 366.3, the reviewing body shall inquire about the  
4 progress being made to provide permanent connections with caring,  
5 committed adults for the nonminor dependent, shall consider the  
6 safety of the nonminor, shall consider the transitional independent  
7 living case plan, and shall determine all of the following:

8 (1) The continuing necessity for, and appropriateness of, the  
9 placement.

10 (2) The continuing appropriateness and extent of compliance  
11 with the permanent plan for the nonminor dependent, including  
12 efforts to identify and maintain relationships with individuals who  
13 are important to the nonminor dependent.

14 (3) The extent of the agency's compliance with the nonminor  
15 dependent's transitional independent living case plan, including  
16 whether or not reasonable efforts have been made to make and  
17 finalize the youth's permanent plan and prepare the nonminor  
18 dependent for independence.

19 (4) Whether a prospective adoptive parent has been identified  
20 and assessed as appropriate for the nonminor dependent's adoption  
21 under this section, whether the prospective adoptive parent has  
22 been informed about the terms of the written negotiated adoption  
23 assistance agreement pursuant to Section 16120, and whether  
24 adoption should be ordered as the nonminor dependent's permanent  
25 plan. If nonminor dependent adoption is ordered as the nonminor  
26 dependent's permanent plan, a hearing pursuant to subdivision (f)  
27 shall be held within 60 days. When the court orders a hearing  
28 pursuant to subdivision (f), it shall direct the agency to prepare a  
29 report that shall include the provisions of paragraph (5) of  
30 subdivision (f).

31 (5) For the nonminor dependent who is an Indian child, whether,  
32 in consultation with the nonminor's tribe, the nonminor should be  
33 placed for tribal customary adoption.

34 (6) The adequacy of services provided to the nonminor  
35 dependent. The court shall consider the progress in providing the  
36 information and documents to the nonminor dependent as described  
37 in Section 391. The court shall also consider the need for, and  
38 progress in providing, the assistance and services described in  
39 Section 391.

1 (7) The likely date by which it is anticipated the nonminor  
2 dependent will achieve adoption or independence.

3 (8) Whether the agency has made reasonable efforts as required  
4 in subparagraph (D) of paragraph (1) of subdivision (a) of Section  
5 366 to establish or maintain the nonminor dependent's relationship  
6 with his or her siblings who are under the juvenile court's  
7 jurisdiction.

8 (9) The services needed to assist the nonminor dependent to  
9 make the transition from foster care to successful adulthood.

10 (10) When the hearing described in this subdivision is held  
11 pursuant to paragraph (3) or (4) of subdivision (d) of Section 366.3,  
12 and the nonminor dependent has a permanent plan of another  
13 planned permanent living arrangement, the court shall do all of  
14 the following:

15 (A) Ask the nonminor dependent about his or her desired  
16 permanency outcome.

17 (B) Make a judicial determination explaining why, as of the  
18 hearing date, another planned permanent living arrangement is the  
19 best permanency plan for the nonminor dependent.

20 (C) State for the record the compelling reason or reasons why  
21 it continues not to be in the best interest of the nonminor dependent  
22 to return home, be placed for adoption, be placed for tribal  
23 customary adoption in the case of an Indian child, be placed with  
24 a legal guardian, or be placed with a fit and willing relative.

25 (f) (1) At a hearing to consider a permanent plan of adoption  
26 for a nonminor dependent, the court shall read and consider the  
27 report in paragraph (5) and receive other evidence that the parties  
28 may present. A copy of the executed negotiated agreement shall  
29 be attached to the report. If the court finds pursuant to this section  
30 that nonminor dependent adoption is the appropriate permanent  
31 plan, it shall make findings and orders to do the following:

32 (A) Approve the adoption agreement and declare the nonminor  
33 dependent is the adopted child of the adoptive parent, and that the  
34 nonminor dependent and adoptive parents agree to assume toward  
35 each other the legal relationship of parents and child and to have  
36 all of the rights and be subject to all of the duties and  
37 responsibilities of that relationship.

38 (B) Declare that the birth parents of the nonminor dependent  
39 are, from the time of the adoption, relieved of all parental duties

1 toward, and responsibility for, the adopted nonminor dependent  
2 and have no rights over the adopted nonminor dependent.

3 (2) If the court finds that the nonminor dependent and the  
4 prospective adoptive parent have mutually consented to the  
5 adoption, the court may enter the adoption order after it determines  
6 all of the following:

7 (A) Whether the notice was given as required by law.

8 (B) Whether the nonminor dependent and prospective adoptive  
9 parent are present for the hearing.

10 (C) Whether the court has read and considered the assessment  
11 prepared by the social worker or probation officer.

12 (D) Whether the court considered the wishes of the nonminor  
13 dependent.

14 (E) If the nonminor dependent is eligible, the prospective  
15 adoptive parent has signed the negotiated adoption assistance  
16 agreement pursuant to subdivision (g) of Section 16120, and  
17 whether a copy of the executed negotiated agreement is attached  
18 to the report.

19 (F) Whether the adoption is in the best interest of the nonminor  
20 dependent.

21 (3) If the court orders the establishment of the nonminor  
22 dependent adoption, it shall dismiss dependency or transitional  
23 jurisdiction.

24 (4) If the court does not order the establishment of the nonminor  
25 dependent adoption, the nonminor dependent shall remain in a  
26 planned permanent living arrangement subject to periodic review  
27 of the juvenile court pursuant to this section.

28 (5) At least 10 calendar days before the hearing, the social  
29 worker or probation officer shall file a report with the court and  
30 provide a copy of the report to all parties. The report shall describe  
31 the following:

32 (A) Whether or not the nonminor dependent has any  
33 developmental disability and whether the proposed adoptive parent  
34 is suitable to meet the needs of the nonminor dependent.

35 (B) The length and nature of the relationship between the  
36 prospective adoptive parent and the nonminor dependent, including  
37 whether the prospective adoptive parent has been determined to  
38 have been established as the nonminor's permanent connection.

39 (C) Whether the nonminor dependent has been determined to  
40 be eligible for the adoption assistance program and, if so, whether

1 the prospective adoptive parent has signed the negotiated adoption  
2 assistance agreement pursuant to subdivision (g) of Section 16120.

3 (D) Whether a copy of the executed negotiated agreement is  
4 attached to the report.

5 (E) Whether criminal background clearances were completed  
6 for the prospective adoptive parent as required by Section  
7 671(a)(20)(A) and (a)(20)(C) of Title 42 of the United States Code.

8 (F) Whether the prospective adoptive parent who is married and  
9 not legally separated from that spouse has the consent of the  
10 spouse, provided that the spouse is capable of giving that consent.

11 (G) Whether the adoption of the nonminor dependent is in the  
12 best interests of the nonminor dependent and the prospective  
13 adoptive parent.

14 (H) Whether the nonminor dependent and the prospective  
15 adoptive parent have mutually consented to the adoption.

16 (6) The social worker or probation officer shall serve written  
17 notice of the hearing in the manner and to the persons set forth in  
18 Section 295, including the prospective adoptive parent or parents,  
19 except that notice to the nonminor's birth parents is not required.

20 (7) Nothing in this section shall prevent a nonminor dependent  
21 from filing an adoption petition pursuant to Section 9300 of the  
22 Family Code.

23 (g) Each licensed foster family agency shall submit reports for  
24 each nonminor dependent in its care to the court concerning the  
25 continuing appropriateness and extent of compliance with the  
26 nonminor dependent's permanent plan, the extent of compliance  
27 with the transitional independent living case plan, and the type  
28 and adequacy of services provided to the nonminor dependent.  
29 The report shall document that the nonminor has received all the  
30 information and documentation described in paragraph (2) of  
31 subdivision (e) of Section 391. If the court is considering  
32 terminating dependency jurisdiction for a nonminor dependent it  
33 shall first hold a hearing pursuant to Section 391.

34 (h) When the nonminor dependent is in another planned  
35 permanent living arrangement, the social study prepared for the  
36 hearing held under subdivision (e) shall include a description of  
37 all of the following:

38 (1) The intensive and ongoing efforts to return the nonminor  
39 dependent to the home of the parent, place the nonminor dependent

1 for adoption, or place the nonminor dependent with a fit and willing  
2 relative, as appropriate.

3 (2) The steps taken to do both of the following:

4 (A) Ensure that the nonminor dependent's care provider is  
5 following the reasonable and prudent parent standard.

6 (B) Determine whether the nonminor dependent has regular,  
7 ongoing opportunities to engage in age or developmentally  
8 appropriate activities, including consulting with the nonminor  
9 dependent about opportunities for the nonminor dependent to  
10 participate in those activities.

11 SEC. 16. Section 706.5 of the Welfare and Institutions Code  
12 is amended to read:

13 706.5. (a) If placement in foster care is recommended by the  
14 probation officer, or where the minor is already in foster care  
15 placement or pending placement pursuant to an earlier order, the  
16 social study prepared by the probation officer that is received into  
17 evidence at disposition pursuant to Section 706 shall include a  
18 case plan, as described in Section 706.6. If the court elects to hold  
19 the first status review at the disposition hearing, the social study  
20 shall also include, but not be limited to, the factual material  
21 described in subdivision (c).

22 (b) If placement in foster care is not recommended by the  
23 probation officer prior to disposition, but the court orders foster  
24 care placement, the court shall order the probation officer to prepare  
25 a case plan, as described in Section 706.6, within 30 days of the  
26 placement order. The case plan shall be filed with the court.

27 (c) At each status review hearing, the social study shall include,  
28 but not be limited to, an updated case plan as described in Section  
29 706.6 and the following information:

30 (1) The continuing necessity for and appropriateness of the  
31 placement.

32 (2) The extent of the probation department's compliance with  
33 the case plan in making reasonable efforts to safely return the  
34 minor to the minor's home or to complete whatever steps are  
35 necessary to finalize the permanent placement of the minor.

36 (3) The extent of progress that has been made by the minor and  
37 parent or guardian toward alleviating or mitigating the causes  
38 necessitating placement in foster care.

39 (4) If the first permanency planning hearing has not yet occurred,  
40 the social study shall include the likely date by which the minor

1 may be returned to and safely maintained in the home or placed  
2 for adoption, appointed a legal guardian, permanently placed with  
3 a fit and willing relative, or referred to another planned permanent  
4 living arrangement.

5 (5) Whether the minor has been or will be referred to educational  
6 services and what services the minor is receiving, including special  
7 education and related services if the minor has exceptional needs  
8 as described in Part 30 (commencing with Section 56000) of  
9 Division 4 of Title 2 of the Education Code or accommodations  
10 if the child has disabilities as described in Chapter 16 (commencing  
11 with Section 701) of Title 29 of the United States Code Annotated.  
12 The probation officer or child advocate shall solicit comments  
13 from the appropriate local education agency prior to completion  
14 of the social study.

15 (6) If the parent or guardian is unwilling or unable to participate  
16 in making an educational or developmental services decision for  
17 his or her child, or if other circumstances exist that compromise  
18 the ability of the parent or guardian to make educational or  
19 developmental services decisions for the child, the probation  
20 department shall consider whether the right of the parent or  
21 guardian to make educational or developmental services decisions  
22 for the minor should be limited. If the study makes that  
23 recommendation, it shall identify whether there is a responsible  
24 adult available to make educational or developmental services  
25 decisions for the minor pursuant to Section 726.

26 (7) When the minor is 16 years of age or older and in another  
27 planned permanent living arrangement, the social study shall  
28 include a description of all of the following:

29 (A) The intensive and ongoing efforts to return the minor to the  
30 home of the parent, place the minor for adoption, or establish a  
31 legal guardianship, as appropriate.

32 (B) The steps taken to do both of the following:

33 (i) Ensure that the minor's care provider is following the  
34 reasonable and prudent parent standard.

35 (ii) Determine whether the minor has regular, ongoing  
36 opportunities to engage in age or developmentally appropriate  
37 activities, including consulting with the minor about opportunities  
38 for the minor to participate in the activities.

39 (8) When the minor is under 16 years of age and has a permanent  
40 plan of return home, adoption, legal guardianship, or placement

1 with a fit and willing relative, the social study shall include a  
2 description of any barriers to achieving the permanent plan and  
3 the efforts made by the agency to address those barriers.

4 (d) At each permanency planning hearing, the social study shall  
5 include, but not be limited to, an updated case plan as described  
6 in Section 706.6, the factual material described in subdivision (c)  
7 of this section, and a recommended permanent plan for the minor.

8 SEC. 17. Section 706.6 of the Welfare and Institutions Code  
9 is amended to read:

10 706.6. A case plan prepared as required by Section 706.5 shall  
11 be submitted to the court. It shall either be attached to the social  
12 study or incorporated as a separate section within the social study.  
13 The case plan shall include, but not be limited to, the following  
14 information:

15 (a) A description of the circumstances that resulted in the minor  
16 being placed under the supervision of the probation department  
17 and in foster care.

18 (b) An assessment of the minor's and family's strengths and  
19 needs and the type of placement best equipped to meet those needs.

20 (c) A description of the type of home or institution in which the  
21 minor is to be placed, including a discussion of the safety and  
22 appropriateness of the placement. An appropriate placement is a  
23 placement in the least restrictive, most family-like environment,  
24 in closest proximity to the minor's home, that meets the minor's  
25 best interests and special needs.

26 (d) Effective January 1, 2010, a case plan shall ensure the  
27 educational stability of the child while in foster care and shall  
28 include both of the following:

29 (1) Assurances that the placement takes into account the  
30 appropriateness of the current educational setting and the proximity  
31 to the school in which the child is enrolled at the time of placement.

32 (2) An assurance that the placement agency has coordinated  
33 with appropriate local educational agencies to ensure that the child  
34 remains in the school in which the child is enrolled at the time of  
35 placement, or, if remaining in that school is not in the best interests  
36 of the child, assurances by the placement agency and the local  
37 educational agency to provide immediate and appropriate  
38 enrollment in a new school and to provide all of the child's  
39 educational records to the new school.



1 (e) Specific time-limited goals and related activities designed  
2 to enable the safe return of the minor to his or her home, or in the  
3 event that return to his or her home is not possible, activities  
4 designed to result in permanent placement or emancipation.  
5 Specific responsibility for carrying out the planned activities shall  
6 be assigned to one or more of the following:

7 (1) The probation department.

8 (2) The minor's parent or parents or legal guardian or guardians,  
9 as applicable.

10 (3) The minor.

11 (4) The foster parents or licensed agency providing foster care.

12 (f) The projected date of completion of the case plan objectives  
13 and the date services will be terminated.

14 (g) (1) Scheduled visits between the minor and his or her family  
15 and an explanation if no visits are made.

16 (2) Whether the child has other siblings, and, if any siblings  
17 exist, all of the following:

18 (A) The nature of the relationship between the child and his or  
19 her siblings.

20 (B) The appropriateness of developing or maintaining the sibling  
21 relationships pursuant to Section 16002.

22 (C) If the siblings are not placed together in the same home,  
23 why the siblings are not placed together and what efforts are being  
24 made to place the siblings together, or why those efforts are not  
25 appropriate.

26 (D) If the siblings are not placed together, all of the following:

27 (i) The frequency and nature of the visits between the siblings.

28 (ii) If there are visits between the siblings, whether the visits  
29 are supervised or unsupervised. If the visits are supervised, a  
30 discussion of the reasons why the visits are supervised, and what  
31 needs to be accomplished in order for the visits to be unsupervised.

32 (iii) If there are visits between the siblings, a description of the  
33 location and length of the visits.

34 (iv) Any plan to increase visitation between the siblings.

35 (E) The impact of the sibling relationships on the child's  
36 placement and planning for legal permanence.

37 (F) The continuing need to suspend sibling interaction, if  
38 applicable, pursuant to subdivision (c) of Section 16002.

39 (3) The factors the court may consider in making a determination  
40 regarding the nature of the child's sibling relationships may

1 include, but are not limited to, whether the siblings were raised  
2 together in the same home, whether the siblings have shared  
3 significant common experiences or have existing close and strong  
4 bonds, whether either sibling expresses a desire to visit or live with  
5 his or her sibling, as applicable, and whether ongoing contact is  
6 in the child's best emotional interests.

7 (h) (1) When placement is made in a foster family home, group  
8 home, or other child care institution that is either a substantial  
9 distance from the home of the minor's parent or legal guardian or  
10 out of state, the case plan shall specify the reasons why the  
11 placement is the most appropriate and is in the best interest of the  
12 minor.

13 (2) When an out-of-state group home placement is recommended  
14 or made, the case plan shall comply with Section 727.1 of this  
15 code and Section 7911.1 of the Family Code. In addition,  
16 documentation of the recommendation of the multidisciplinary  
17 team and the rationale for this particular placement shall be  
18 included. The case plan shall also address what in-state services  
19 or facilities were used or considered and why they were not  
20 recommended.

21 (i) If applicable, efforts to make it possible to place siblings  
22 together, unless it has been determined that placement together is  
23 not in the best interest of one or more siblings.

24 (j) A schedule of visits between the minor and the probation  
25 officer, including a monthly visitation schedule for those children  
26 placed in group homes.

27 (k) Health and education information about the minor, school  
28 records, immunizations, known medical problems, and any known  
29 medications the minor may be taking, names and addresses of the  
30 minor's health and educational providers; the minor's grade level  
31 performance; assurances that the minor's placement in foster care  
32 takes into account proximity to the school in which the minor was  
33 enrolled at the time of placement; and other relevant health and  
34 educational information.

35 (l) When out-of-home services are used and the goal is  
36 reunification, the case plan shall describe the services that were  
37 provided to prevent removal of the minor from the home, those  
38 services to be provided to assist in reunification and the services  
39 to be provided concurrently to achieve legal permanency if efforts  
40 to reunify fail.

1 (m) (1) The updated case plan prepared for a permanency  
2 planning hearing shall include a recommendation for a permanent  
3 plan for the minor. The identified permanent plan for a minor under  
4 16 years of age shall be return home, adoption, legal guardianship,  
5 or placement with a fit and willing relative. The case plan shall  
6 identify any barriers to achieving legal permanence and the steps  
7 the agency will take to address those barriers.

8 (2) If, after considering reunification, adoptive placement, legal  
9 guardianship, or permanent placement with a fit and willing relative  
10 the probation officer recommends placement in a planned  
11 permanent living arrangement for a minor 16 years of age or older,  
12 the case plan shall include documentation of a compelling reason  
13 or reasons why termination of parental rights is not in the minor's  
14 best interest. For purposes of this subdivision, a "compelling  
15 reason" shall have the same meaning as in subdivision (c) of  
16 Section 727.3. The case plan shall also identify the intensive and  
17 ongoing efforts to return the minor to the home of the parent, place  
18 the minor for adoption, establish a legal guardianship, or place the  
19 minor with a fit and willing relative, as appropriate. Efforts shall  
20 include the use of technology, including social media, to find  
21 biological family members of the minor.

22 (n) Each updated case plan shall include a description of the  
23 services that have been provided to the minor under the plan and  
24 an evaluation of the appropriateness and effectiveness of those  
25 services.

26 (o) A statement that the parent or legal guardian, and the minor  
27 have had an opportunity to participate in the development of the  
28 case plan, to review the case plan, to sign the case plan, and to  
29 receive a copy of the plan, or an explanation about why the parent,  
30 legal guardian, or minor was not able to participate or sign the case  
31 plan.

32 (p) For a minor in out-of-home care who is 16 years of age or  
33 older, a written description of the programs and services, which  
34 will help the minor prepare for the transition from foster care to  
35 successful adulthood.

36 *SEC. 17.5. Section 706.6 of the Welfare and Institutions Code*  
37 *is amended to read:*

38 *706.6. (a) Services to minors are best provided in a framework*  
39 *that integrates service planning and delivery among multiple*  
40 *service systems, including the mental health system, using a*

1 *team-based approach, such as a child and family team. A child*  
2 *and family team brings together individuals that engage with the*  
3 *child or youth and family in assessing, planning, and delivering*  
4 *services. Use of a team approach increases efficiency, and thus*  
5 *reduces cost, by increasing coordination of formal services and*  
6 *integrating the natural and informal supports available to the child*  
7 *or youth and family.*

8 *(b) (1) For the purposes of this section, “child and family team”*  
9 *has the same meaning as in paragraph (4) of subdivision (a) of*  
10 *Section 16501.*

11 *(2) In its development of the case plan, the probation agency*  
12 *shall consider any recommendations of the child and family team,*  
13 *as defined in paragraph (4) of subdivision (a) of Section 16501.*  
14 *The agency shall document the rationale for any inconsistencies*  
15 *between the case plan and the child and family team*  
16 *recommendations.*

17 *(c) A case plan prepared as required by Section 706.5 shall be*  
18 *submitted to the court. It shall either be attached to the social study*  
19 *or incorporated as a separate section within the social study. The*  
20 *case plan shall include, but not be limited to, the following*  
21 *information:*

22 ~~(a)~~

23 *(1) A description of the circumstances that resulted in the minor*  
24 *being placed under the supervision of the probation department*  
25 *and in foster care.*

26 ~~(b) An~~

27 *(2) Documentation of the preplacement assessment of the*  
28 *minor’s and family’s strengths and ~~needs and~~ service needs*  
29 *showing that preventive services have been provided, and that*  
30 *reasonable efforts to prevent out-of-home placement have been*  
31 *made. The assessment shall include the type of placement best*  
32 *equipped to meet those needs.*

33 ~~(c) A description of the type of home or institution in which the~~  
34 ~~minor is to be placed, including a discussion of the safety and~~  
35 ~~appropriateness of the placement. An~~

36 *(3) (A) A description of the type of home or institution in which*  
37 *the minor is to be placed, and the reasons for that placement*  
38 *decision, including a discussion of the safety and appropriateness*  
39 *of the placement, including the recommendations of the child and*  
40 *family team, if available.*

1 (B) An appropriate placement is a placement in the least  
2 restrictive, most family-like ~~environment~~, *environment that*  
3 *promotes normal childhood experiences*, in closest proximity to  
4 the minor's home, that meets the minor's best interests and special  
5 needs.

6 (d) The following shall apply:

7 (1) The agency selecting a placement shall consider, in order  
8 of priority:

9 (A) Placement with relatives, nonrelated extended family  
10 members, and tribal members.

11 (B) Foster family homes and certified homes or resource families  
12 of foster family agencies.

13 (C) Treatment and intensive treatment certified homes or  
14 resource families of foster family agencies, or multidimensional  
15 treatment foster homes or therapeutic foster care homes.

16 (D) Group care placements in the following order:

17 (i) Short-term residential treatment centers.

18 (ii) Group homes.

19 (iii) Community treatment facilities.

20 (iv) Out-of-state residential treatment pursuant to Part 5  
21 (commencing with Section 7900) of Division 12 of the Family  
22 Code.

23 (2) Although the placement options shall be considered in the  
24 preferential order specified in paragraph (1), the placement of a  
25 child may be with any of these placement settings in order to ensure  
26 the selection of a safe placement setting that is in the child's best  
27 interests and meets the child's special needs.

28 (3) A minor may be placed into a community care facility  
29 licensed as a short-term residential treatment center, as defined  
30 in subdivision (ad) of Section 11400, provided the case plan  
31 indicates that the placement is for the purposes of providing  
32 short-term, specialized, and intensive treatment for the minor, the  
33 case plan specifies the need for, nature of, and anticipated duration  
34 of this treatment, and the case plan includes transitioning the  
35 minor to a less restrictive environment and the projected timeline  
36 by which the minor will be transitioned to a less restrictive  
37 environment.

38 (d)

1 (e) Effective January 1, 2010, a case plan shall ensure the  
2 educational stability of the child while in foster care and shall  
3 include both of the following:

4 (1) Assurances that the placement takes into account the  
5 appropriateness of the current educational setting and the proximity  
6 to the school in which the child is enrolled at the time of placement.

7 (2) An assurance that the placement agency has coordinated  
8 with appropriate local educational agencies to ensure that the child  
9 remains in the school in which the child is enrolled at the time of  
10 placement, or, if remaining in that school is not in the best interests  
11 of the child, assurances by the placement agency and the local  
12 educational agency to provide immediate and appropriate  
13 enrollment in a new school and to provide all of the child's  
14 educational records to the new school.

15 ~~(e)~~

16 (f) Specific time-limited goals and related activities designed  
17 to enable the safe return of the minor to his or her home, or in the  
18 event that return to his or her home is not possible, activities  
19 designed to result in permanent placement or emancipation.  
20 Specific responsibility for carrying out the planned activities shall  
21 be assigned to one or more of the following:

22 (1) The probation department.

23 (2) The minor's parent or parents or legal guardian or guardians,  
24 as applicable.

25 (3) The minor.

26 (4) The foster parents or licensed agency providing foster care.

27 ~~(f)~~

28 (g) The projected date of completion of the case plan objectives  
29 and the date services will be terminated.

30 ~~(g)~~

31 (h) (1) Scheduled visits between the minor and his or her family  
32 and an explanation if no visits are made.

33 (2) Whether the child has other siblings, and, if any siblings  
34 exist, all of the following:

35 (A) The nature of the relationship between the child and his or  
36 her siblings.

37 (B) The appropriateness of developing or maintaining the sibling  
38 relationships pursuant to Section 16002.

39 (C) If the siblings are not placed together in the same home,  
40 why the siblings are not placed together and what efforts are being

1 made to place the siblings together, or why those efforts are not  
2 appropriate.

3 (D) If the siblings are not placed together, all of the following:

4 (i) The frequency and nature of the visits between the siblings.

5 (ii) If there are visits between the siblings, whether the visits  
6 are supervised or unsupervised. If the visits are supervised, a  
7 discussion of the reasons why the visits are supervised, and what  
8 needs to be accomplished in order for the visits to be unsupervised.

9 (iii) If there are visits between the siblings, a description of the  
10 location and length of the visits.

11 (iv) Any plan to increase visitation between the siblings.

12 (E) The impact of the sibling relationships on the child's  
13 placement and planning for legal permanence.

14 (F) The continuing need to suspend sibling interaction, if  
15 applicable, pursuant to subdivision (c) of Section 16002.

16 (3) The factors the court may consider in making a determination  
17 regarding the nature of the child's sibling relationships may  
18 include, but are not limited to, whether the siblings were raised  
19 together in the same home, whether the siblings have shared  
20 significant common experiences or have existing close and strong  
21 bonds, whether either sibling expresses a desire to visit or live with  
22 his or her sibling, as applicable, and whether ongoing contact is  
23 in the child's best emotional interests.

24 ~~(h)~~

25 (i) (1) When placement is made in a foster family home, group  
26 home, or other child care institution that is either a substantial  
27 distance from the home of the minor's parent or legal guardian or  
28 ~~out-of-state~~, *out of state*, the case plan shall specify the reasons  
29 why the placement is the most appropriate and is in the best interest  
30 of the minor.

31 (2) When an out-of-state group home placement is recommended  
32 or made, the case plan shall comply with Section 727.1 *of this code*  
33 and Section 7911.1 of the Family Code. In addition, documentation  
34 of the recommendation of the multidisciplinary team and the  
35 rationale for this particular placement shall be included. The case  
36 plan shall also address what in-state services or facilities were used  
37 or considered and why they were not recommended.

38 ~~(i)~~

1 (j) If applicable, efforts to make it possible to place siblings  
2 together, unless it has been determined that placement together is  
3 not in the best interest of one or more siblings.

4 ~~(j)~~

5 (k) A schedule of visits between the minor and the probation  
6 officer, including a monthly visitation schedule for those children  
7 placed in group homes.

8 ~~(k)~~

9 (l) Health and education information about the minor, school  
10 records, immunizations, known medical problems, and any known  
11 medications the minor may be taking, names and addresses of the  
12 minor's health and educational providers; the minor's grade level  
13 performance; assurances that the minor's placement in foster care  
14 takes into account proximity to the school in which the minor was  
15 enrolled at the time of placement; and other relevant health and  
16 educational information.

17 ~~(l)~~

18 (m) When out-of-home services are used and the goal is  
19 reunification, the case plan shall describe the services that were  
20 provided to prevent removal of the minor from the home, those  
21 services to be provided to assist in reunification and the services  
22 to be provided concurrently to achieve legal permanency if efforts  
23 to reunify fail.

24 ~~(m) The updated case plan prepared for a permanency planning~~  
25 ~~hearing shall include a recommendation for a permanent plan for~~  
26 ~~the minor. If,~~

27 (n) (1) *The updated case plan prepared for a permanency*  
28 *planning hearing shall include a recommendation for a permanent*  
29 *plan for the minor. The identified permanent plan for a minor*  
30 *under 16 years of age shall be return home, adoption, legal*  
31 *guardianship, or placement with a fit and willing relative. The*  
32 *case plan shall identify any barriers to achieving legal permanence*  
33 *and the steps the agency will take to address those barriers.*

34 (2) *If, after considering reunification, adoptive placement, legal*  
35 *guardianship, or permanent placement with a fit and willing relative*  
36 *the probation officer recommends placement in a planned*  
37 *permanent living arrangement, arrangement for a minor 16 years*  
38 *of age or older, the case plan shall include documentation of a*  
39 *compelling reason or reasons why termination of parental rights*  
40 *is not in the minor's best interest. For purposes of this subdivision,*



1 a “compelling reason” shall have the same meaning as in  
2 subdivision (c) of Section 727.3. *The case plan shall also identify*  
3 *the intensive and ongoing efforts to return the minor to the home*  
4 *of the parent, place the minor for adoption, establish a legal*  
5 *guardianship, or place the minor with a fit and willing relative,*  
6 *as appropriate. Efforts shall include the use of technology,*  
7 *including social media, to find biological family members of the*  
8 *minor.*

9 ~~(n)~~

10 (o) Each updated case plan shall include a description of the  
11 services that have been provided to the minor under the plan and  
12 an evaluation of the appropriateness and effectiveness of those  
13 services.

14 ~~(o)~~

15 (p) A statement that the parent or legal guardian, and the minor  
16 have had an opportunity to participate in the development of the  
17 case plan, to review the case plan, to sign the case plan, and to  
18 receive a copy of the plan, or an explanation about why the parent,  
19 legal guardian, or minor was not able to participate or sign the case  
20 plan.

21 ~~(p)~~

22 (q) For a minor in out-of-home care who is 16 years of age or  
23 older, a written description of the programs and services, which  
24 will help the minor prepare for the transition from foster care to  
25 ~~independent living.~~ *successful adulthood.*

26 SEC. 18. Section 727.2 of the Welfare and Institutions Code  
27 is amended to read:

28 727.2. The purpose of this section is to provide a means to  
29 monitor the safety and well-being of every minor in foster care  
30 who has been declared a ward of the juvenile court pursuant to  
31 Section 601 or 602 and to ensure that everything reasonably  
32 possible is done to facilitate the safe and early return of the minor  
33 to his or her home or to establish an alternative permanent plan  
34 for the minor.

35 (a) If the court orders the care, custody, and control of the minor  
36 to be under the supervision of the probation officer for placement  
37 pursuant to subdivision (a) of Section 727, the juvenile court shall  
38 order the probation department to ensure the provision of  
39 reunification services to facilitate the safe return of the minor to  
40 his or her home or the permanent placement of the minor, and to

1 address the needs of the minor while in foster care, except as  
2 provided in subdivision (b).

3 (b) Reunification services need not be provided to a parent or  
4 legal guardian if the court finds by clear and convincing evidence  
5 that one or more of the following is true:

6 (1) Reunification services were previously terminated for that  
7 parent or guardian, pursuant to Section 366.21, 366.22, or 366.25,  
8 or not offered, pursuant to subdivision (b) of Section 361.5, in  
9 reference to the same minor.

10 (2) The parent has been convicted of any of the following:

11 (A) Murder of another child of the parent.

12 (B) Voluntary manslaughter of another child of the parent.

13 (C) Aiding or abetting, attempting, conspiring, or soliciting to  
14 commit that murder or manslaughter described in subparagraph  
15 (A) or (B).

16 (D) A felony assault that results in serious bodily injury to the  
17 minor or another child of the parent.

18 (3) The parental rights of the parent with respect to a sibling  
19 have been terminated involuntarily, and it is not in the best interest  
20 of the minor to reunify with his or her parent or legal guardian.

21 If no reunification services are offered to the parent or guardian,  
22 the permanency planning hearing, as described in Section 727.3,  
23 shall occur within 30 days of the date of the hearing at which the  
24 decision is made not to offer services.

25 (c) The status of every minor declared a ward and ordered to  
26 be placed in foster care shall be reviewed by the court no less  
27 frequently than once every six months. The six-month time periods  
28 shall be calculated from the date the minor entered foster care, as  
29 defined in paragraph (4) of subdivision (d) of Section 727.4. If the  
30 court so elects, the court may declare the hearing at which the court  
31 orders the care, custody, and control of the minor to be under the  
32 supervision of the probation officer for foster care placement  
33 pursuant to subdivision (a) of Section 727 at the first status review  
34 hearing. It shall be the duty of the probation officer to prepare a  
35 written social study report including an updated case plan, pursuant  
36 to subdivision (b) of Section 706.5, and submit the report to the  
37 court prior to each status review hearing, pursuant to subdivision  
38 (b) of Section 727.4. The social study report shall include all  
39 reports the probation officer relied upon in making his or her  
40 recommendations.

1 (d) Prior to any status review hearing involving a minor in the  
2 physical custody of a community care facility or foster family  
3 agency, the facility or agency may provide the probation officer  
4 with a report containing its recommendations. Prior to any status  
5 review hearing involving the physical custody of a foster parent,  
6 relative caregiver, preadoptive parent, or legal guardian, that person  
7 may present to the court a report containing his or her  
8 recommendations. The court shall consider all reports and  
9 recommendations filed pursuant to subdivision (c) and pursuant  
10 to this subdivision.

11 (e) At any status review hearing prior to the first permanency  
12 planning hearing, the court shall consider the safety of the minor  
13 and make findings and orders which determine the following:

14 (1) The continuing necessity for and appropriateness of the  
15 placement.

16 (2) The extent of the probation department's compliance with  
17 the case plan in making reasonable efforts, or in the case of a child  
18 16 years of age or older with another planned permanent living  
19 arrangement, the ongoing and intensive efforts to safely return the  
20 minor to the minor's home or to complete whatever steps are  
21 necessary to finalize the permanent placement of the minor.

22 (3) Whether there should be any limitation on the right of the  
23 parent or guardian to make educational decisions for the minor.  
24 That limitation shall be specifically addressed in the court order  
25 and may not exceed what is necessary to protect the minor. If the  
26 court specifically limits the right of the parent or guardian to make  
27 educational decisions for the minor, the court shall at the same  
28 time appoint a responsible adult to make educational decisions for  
29 the minor pursuant to Section 726.

30 (4) The extent of progress that has been made by the minor and  
31 parent or guardian toward alleviating or mitigating the causes  
32 necessitating placement in foster care.

33 (5) The likely date by which the minor may be returned to and  
34 safely maintained in the home or placed for adoption, appointed  
35 a legal guardian, permanently placed with a fit and willing relative,  
36 or, if the minor is 16 years of age or older, referred to another  
37 planned permanent living arrangement.

38 (6) In the case of a minor who has reached 16 years of age, the  
39 court shall, in addition, determine the services needed to assist the

1 minor to make the transition from foster care to successful  
2 adulthood.

3 The court shall make these determinations on a case-by-case  
4 basis and reference in its written findings the probation officer's  
5 report and any other evidence relied upon in reaching its decision.

6 (f) At any status review hearing prior to the first permanency  
7 hearing, after considering the admissible and relevant evidence,  
8 the court shall order return of the minor to the physical custody of  
9 his or her parent or legal guardian unless the court finds, by a  
10 preponderance of evidence, that the return of the minor to his or  
11 her parent or legal guardian would create a substantial risk of  
12 detriment to the safety, protection, or physical or emotional  
13 well-being of the minor. The probation department shall have the  
14 burden of establishing that detriment. In making its determination,  
15 the court shall review and consider the social study report,  
16 recommendations, and the case plan pursuant to subdivision (b)  
17 of Section 706.5, the report and recommendations of any child  
18 advocate appointed for the minor in the case, and any other reports  
19 submitted to the court pursuant to subdivision (d), and shall  
20 consider the efforts or progress, or both, demonstrated by the minor  
21 and family and the extent to which the minor availed himself or  
22 herself of the services provided.

23 (g) At all status review hearings subsequent to the first  
24 permanency planning hearing, the court shall consider the safety  
25 of the minor and make the findings and orders as described in  
26 paragraphs (1) to (4), inclusive, and (6) of subdivision (e). The  
27 court shall either make a finding that the previously ordered  
28 permanent plan continues to be appropriate or shall order that a  
29 new permanent plan be adopted pursuant to subdivision (b) of  
30 Section 727.3. However, the court shall not order a permanent plan  
31 of "return to the physical custody of the parent or legal guardian  
32 after further reunification services are offered," as described in  
33 paragraph (2) of subdivision (b) of Section 727.3.

34 (h) The status review hearings required by subdivision (c) may  
35 be heard by an administrative review panel, provided that the  
36 administrative panel meets all of the requirements listed in  
37 subparagraph (B) of paragraph (7) of subdivision (d) of Section  
38 727.4.

39 (i) (1) On and after January 1, 2012, at any status review hearing  
40 at which a recommendation to terminate delinquency jurisdiction

1 is being considered, or at the status review hearing held closest to  
2 the ward attaining 18 years of age, but no fewer than 90 days before  
3 the ward's 18th birthday, the court shall consider whether to modify  
4 its jurisdiction pursuant to Section 601 or 602 and assume transition  
5 jurisdiction over the minor pursuant to Section 450. The probation  
6 department shall address this issue in its report to the court and  
7 make a recommendation as to whether transition jurisdiction is  
8 appropriate for the minor.

9 (2) The court shall order the probation department or the minor's  
10 attorney to submit an application to the child welfare services  
11 department pursuant to Section 329 to declare the minor a  
12 dependent of the court and modify its jurisdiction from delinquency  
13 to dependency jurisdiction if it finds both of the following:

14 (A) The ward does not come within the description set forth in  
15 Section 450, but jurisdiction as a ward may no longer be required.

16 (B) The ward appears to come within the description of Section  
17 300 and cannot be returned home safely.

18 (3) The court shall set a hearing within 20 judicial days of the  
19 date of its order issued pursuant to paragraph (2) to review the  
20 decision of the child welfare services department and may either  
21 affirm the decision not to file a petition pursuant to Section 300  
22 or order the child welfare services department to file a petition  
23 pursuant to Section 300.

24 (j) On and after January 1, 2012, if a review hearing pursuant  
25 to this section is the last review hearing to be held before the minor  
26 attains 18 years of age, the court shall ensure that the minor's  
27 transitional independent living case plan includes a plan for the  
28 minor to meet one or more of the criteria in paragraphs (1) to (5),  
29 inclusive, of subdivision (b) of Section 11403, so that the minor  
30 can become a nonminor dependent, and that the minor has been  
31 informed of his or her right to decline to become a nonminor  
32 dependent and to seek termination of the court's jurisdiction  
33 pursuant to Section 607.2.

34 SEC. 19. Section 727.3 of the Welfare and Institutions Code  
35 is amended to read:

36 727.3. The purpose of this section is to provide a means to  
37 monitor the safety and well-being of every minor in foster care  
38 who has been declared a ward of the juvenile court pursuant to  
39 Section 601 or 602 and to ensure that everything reasonably  
40 possible is done to facilitate the safe and early return of the minor

1 to his or her own home or to establish an alternative permanent  
2 plan for the minor.

3 (a) (1) For every minor declared a ward and ordered to be  
4 placed in foster care, a permanency planning hearing shall be  
5 conducted within 12 months of the date the minor entered foster  
6 care, as defined in paragraph (4) of subdivision (d) of Section  
7 727.4. Subsequent permanency planning hearings shall be  
8 conducted periodically, but no less frequently than once every 12  
9 months thereafter during the period of placement. It shall be the  
10 duty of the probation officer to prepare a written social study report  
11 including an updated case plan and a recommendation for a  
12 permanent plan, pursuant to subdivision (c) of Section 706.5, and  
13 submit the report to the court prior to each permanency planning  
14 hearing, pursuant to subdivision (b) of Section 727.4.

15 (2) Prior to any permanency planning hearing involving a minor  
16 in the physical custody of a community care facility or foster family  
17 agency, the facility or agency may file with the court a report  
18 containing its recommendations, in addition to the probation  
19 officer's social study. Prior to any permanency planning hearing  
20 involving the physical custody of a foster parent, relative caregiver,  
21 preadoptive parent, or legal guardian, that person may present to  
22 the court a report containing his or her recommendations. The  
23 court shall consider all reports and recommendations filed pursuant  
24 to this subdivision.

25 (3) If the minor has a continuing involvement with his or her  
26 parents or legal guardians, the parents or legal guardians shall be  
27 involved in the planning for a permanent placement. The court  
28 order placing the minor in a permanent placement shall include a  
29 specification of the nature and frequency of visiting arrangements  
30 with the parents or legal guardians.

31 (4) At each permanency planning hearing, the court shall order  
32 a permanent plan for the minor, as described in subdivision (b).  
33 The court shall also make findings, as described in subdivision (e)  
34 of Section 727.2. In the case of a minor who has reached 16 years  
35 of age or older, the court shall, in addition, determine the services  
36 needed to assist the minor to make the transition from foster care  
37 to successful adulthood. The court shall make all of these  
38 determinations on a case-by-case basis and make reference to the  
39 probation officer's report, the case plan, or other evidence relied  
40 upon in making its decisions.

1 (5) When the minor is 16 years of age or older, and is in another  
2 planned permanent living arrangement, the court, at each  
3 permanency planning hearing, shall do all of the following:

4 (A) Ask the minor about his or her desired permanency outcome.

5 (B) Make a judicial determination explaining why, as of the  
6 hearing date, another planned permanent living arrangement is the  
7 best permanency plan for the minor.

8 (C) State for the record the compelling reason or reasons why  
9 it continues not to be in the best interest of the minor to return  
10 home, be placed for adoption, be placed with a legal guardian, or  
11 be placed with a fit and willing relative.

12 (b) At all permanency planning hearings, the court shall  
13 determine the permanent plan for the minor. The court shall order  
14 one of the following permanent plans, which are, in order of  
15 priority:

16 (1) Return of the minor to the physical custody of the parent or  
17 legal guardian. After considering the admissible and relevant  
18 evidence, the court shall order the return of the minor to the  
19 physical custody of his or her parent or legal guardian unless:

20 (A) Reunification services were not offered, pursuant to  
21 subdivision (b) of Section 727.2.

22 (B) The court finds, by a preponderance of the evidence, that  
23 the return of the minor to his or her parent or legal guardian would  
24 create a substantial risk of detriment to the safety, protection, or  
25 physical or emotional well-being of the minor. The probation  
26 department shall have the burden of establishing that detriment.  
27 In making its determination, the court shall review and consider  
28 the social study report and recommendations pursuant to Section  
29 706.5, the report and recommendations of any child advocate  
30 appointed for the minor in the case, and any other reports submitted  
31 pursuant to paragraph (2) of subdivision (a), and shall consider  
32 the efforts or progress, or both, demonstrated by the minor and  
33 family and the extent to which the minor availed himself or herself  
34 of the services provided.

35 (2) Order that the permanent plan for the minor will be to return  
36 the minor to the physical custody of the parent or legal guardian,  
37 order further reunification services to be provided to the minor  
38 and his or her parent or legal guardian for a period not to exceed  
39 six months and continue the case for up to six months for a  
40 subsequent permanency planning hearing, provided that the

1 subsequent hearing shall occur within 18 months of the date the  
2 minor was originally taken from the physical custody of his or her  
3 parent or legal guardian. The court shall continue the case only if  
4 it finds that there is a substantial probability that the minor will be  
5 returned to the physical custody of his or her parent or legal  
6 guardian and safely maintained in the home within the extended  
7 period of time or that reasonable services have not been provided  
8 to the parent or guardian. For purposes of this section, in order to  
9 find that there is a substantial probability that the minor will be  
10 returned to the physical custody of his or her parent or legal  
11 guardian, the court shall be required to find that the minor and his  
12 or her parent or legal guardian have demonstrated the capacity and  
13 ability to complete the objectives of the case plan.

14 The court shall inform the parent or legal guardian that if the  
15 minor cannot be returned home by the next permanency planning  
16 hearing, a proceeding pursuant to Section 727.31 may be initiated.

17 The court shall not continue the case for further reunification  
18 services if it has been 18 months or more since the date the minor  
19 was originally taken from the physical custody of his or her parent  
20 or legal guardian.

21 (3) Identify adoption as the permanent plan and order that a  
22 hearing be held within 120 days, pursuant to the procedures  
23 described in Section 727.31. The court shall only set a hearing  
24 pursuant to Section 727.31 if there is clear and convincing evidence  
25 that reasonable services have been provided or offered to the  
26 parents. When the court sets a hearing pursuant to Section 727.31,  
27 it shall order that an adoption assessment report be prepared,  
28 pursuant to subdivision (b) of Section 727.31.

29 (4) Order a legal guardianship, pursuant to procedures described  
30 in subdivisions (c) to (f), inclusive, of Section 728.

31 (5) Place the minor with a fit and willing relative. “Placement  
32 with a fit and willing relative” means placing the minor with an  
33 appropriate approved relative who is willing to provide a permanent  
34 and stable home for the minor, but is unable or unwilling to become  
35 the legal guardian. When a minor is placed with a fit and willing  
36 relative, the court may authorize the relative to provide the same  
37 legal consent for the minor’s medical, surgical, and dental care,  
38 and education as the custodial parent of the minor.

39 (6) (A) If he or she is 16 years of age or older, place the minor  
40 in another planned permanent living arrangement. For purposes



1 of this section, “planned permanent living arrangement” means  
2 any permanent living arrangement described in Section 11402 that  
3 is ordered by the court for a minor 16 years of age or older when  
4 there is a compelling reason or reasons to determine that it is not  
5 in the best interest of the minor to have any permanent plan listed  
6 in paragraphs (1) to (5), inclusive. These plans include, but are not  
7 limited to, placement in a specific, identified foster family home,  
8 program, or facility on a permanent basis, or placement in a  
9 transitional housing placement facility. When the court places a  
10 minor in a planned permanent living arrangement, the court shall  
11 specify the goal of the placement, which may include, but shall  
12 not be limited to, return home, emancipation, guardianship, or  
13 permanent placement with a relative.

14 The court shall only order that the minor remain in a planned  
15 permanent living arrangement if the court finds by clear and  
16 convincing evidence, based upon the evidence already presented  
17 to it that there is a compelling reason, as defined in subdivision  
18 (c), for determining that a plan of termination of parental rights  
19 and adoption is not in the best interest of the minor.

20 (B) If the minor is under 16 years of age and the court finds by  
21 clear and convincing evidence, based upon the evidence already  
22 presented to it, that there is a compelling reason, as defined in  
23 subdivision (c), for determining that a plan of termination of  
24 parental rights and adoption is not in the best interest of the minor  
25 as of the hearing date, the court shall order the minor to remain in  
26 a foster care placement with a permanent plan of return home,  
27 adoption, legal guardianship, or placement with a fit and willing  
28 relative, as appropriate. The court shall make factual findings  
29 identifying any barriers to achieving the permanent plan as of the  
30 hearing date.

31 (c) A compelling reason for determining that a plan of  
32 termination of parental rights and adoption is not in the best interest  
33 of the minor is any of the following:

34 (1) Documentation by the probation department that adoption  
35 is not in the best interest of the minor and is not an appropriate  
36 permanency goal. That documentation may include, but is not  
37 limited to, documentation that:

38 (A) The minor is 12 years of age or older and objects to  
39 termination of parental rights.

1 (B) The minor is 17 years of age or older and specifically  
2 requests that transition to independent living with the identification  
3 of a caring adult to serve as a lifelong connection be established  
4 as his or her permanent plan. On and after January 1, 2012, this  
5 includes a minor who requests that his or her transitional  
6 independent living case plan include modification of his or her  
7 jurisdiction to that of dependency jurisdiction pursuant to  
8 subdivision (b) of Section 607.2 or subdivision (i) of Section 727.2,  
9 or to that of transition jurisdiction pursuant to Section 450, in order  
10 to be eligible as a nonminor dependent for the extended benefits  
11 pursuant to Section 11403.

12 (C) The parent or guardian and the minor have a significant  
13 bond, but the parent or guardian is unable to care for the minor  
14 because of an emotional or physical disability, and the minor's  
15 caregiver has committed to raising the minor to the age of majority  
16 and facilitating visitation with the disabled parent or guardian.

17 (D) The minor agrees to continued placement in a residential  
18 treatment facility that provides services specifically designed to  
19 address the minor's treatment needs, and the minor's needs could  
20 not be served by a less restrictive placement.

21 The probation department's recommendation that adoption is  
22 not in the best interest of the minor shall be based on the present  
23 family circumstances of the minor and shall not preclude a different  
24 recommendation at a later date if the minor's family circumstances  
25 change.

26 (2) Documentation by the probation department that no grounds  
27 exist to file for termination of parental rights.

28 (3) Documentation by the probation department that the minor  
29 is an unaccompanied refugee minor, or there are international legal  
30 obligations or foreign policy reasons that would preclude  
31 terminating parental rights.

32 (4) A finding by the court that the probation department was  
33 required to make reasonable efforts to reunify the minor with the  
34 family pursuant to subdivision (a) of Section 727.2, and did not  
35 make those efforts.

36 (5) Documentation by the probation department that the minor  
37 is living with a relative who is unable or unwilling to adopt the  
38 minor because of exceptional circumstances that do not include  
39 an unwillingness to accept legal or financial responsibility for the  
40 minor, but who is willing and capable of providing the minor with

1 a stable and permanent home environment, and the removal of the  
2 minor from the physical custody of his or her relative would be  
3 detrimental to the minor's emotional well-being.

4 (d) Nothing in this section shall be construed to limit the ability  
5 of a parent to voluntarily relinquish his or her child to the State  
6 Department of Social Services when it is acting as an adoption  
7 agency or to a county adoption agency at any time while the minor  
8 is a ward of the juvenile court if the department or county adoption  
9 agency is willing to accept the relinquishment.

10 (e) Any change in the permanent plan of a minor placed with a  
11 fit and willing relative or in a planned permanent living  
12 arrangement shall be made only by order of the court pursuant to  
13 a Section 778 petition or at a regularly scheduled and noticed status  
14 review hearing or permanency planning hearing. Any change in  
15 the permanent plan of a minor placed in a guardianship shall be  
16 made only by order of the court pursuant to a motion filed in  
17 accordance with Section 728.

18 SEC. 20. Section 10618.6 of the Welfare and Institutions Code  
19 is amended to read:

20 10618.6. (a) (1) When a child in a foster care placement  
21 reaches his or her 14th birthday, and each year thereafter, while  
22 the child is under the jurisdiction of the juvenile court, the county  
23 welfare department, county probation department, or, if an  
24 automated process is available, the State Department of Social  
25 Services, shall inquire of each of the three major credit reporting  
26 agencies as to whether the child has any consumer credit history.

27 (2) If the State Department of Social Services makes the inquiry,  
28 it shall notify the county welfare department or county probation  
29 department in the county having jurisdiction over the child of the  
30 results of that inquiry.

31 (3) Pursuant to the federal Child and Family Services  
32 Improvement and Innovation Act (Public Law 112-34) and the  
33 federal Fair Credit Reporting Act (15 U.S.C. Sec. 1681 et seq.), if  
34 an inquiry performed pursuant to this subdivision indicates that a  
35 child has a consumer credit history with any major credit reporting  
36 agency, the responsible county welfare department or county  
37 probation department shall request a consumer credit report from  
38 that credit reporting agency.

39 (b) For a nonminor dependent, the county welfare department  
40 or county probation department shall assist the young adult, on a

1 yearly basis while the nonminor dependent is under the jurisdiction  
2 of the juvenile court, with requesting the consumer credit report  
3 from each of the three major credit reporting agencies, pursuant  
4 to the free annual disclosure provision of the federal Fair Credit  
5 Reporting Act (15 U.S.C. Sec. 1681 et seq.).

6 (c) The county social worker or county probation officer shall  
7 ensure that the child or nonminor dependent receives assistance  
8 with interpreting the consumer credit report and resolving any  
9 inaccuracies. The assistance may include, but is not limited to,  
10 referring the youth to a governmental or nonprofit agency that  
11 provides consumer credit services. This section does not require  
12 the social worker or probation officer to be the individual providing  
13 the direct assistance with interpreting the consumer credit  
14 disclosure or resolving the inaccuracies.

15 (d) Notwithstanding any other law, in order to make an inquiry  
16 or to request a consumer credit report for youth pursuant to this  
17 section, the county welfare department, county probation  
18 department, or, if an automated process is available, the State  
19 Department of Social Services may release necessary information  
20 to a credit reporting agency.

21 (e) No later than February 1, 2016, the State Department of  
22 Social Services shall provide information to the Assembly  
23 Committee on Budget, the Senate Budget and Fiscal Review  
24 Committee, and the appropriate legislative policy committees  
25 regarding the implementation of this section, including, but not  
26 limited to, any state and county barriers to obtaining credit reports  
27 as required by the federal Child and Family Services Improvement  
28 and Innovation Act (Public Law 112-34).

29 SEC. 21. Section 11386 of the Welfare and Institutions Code  
30 is amended to read:

31 11386. Aid shall be provided under this article on behalf of a  
32 child under 18 years of age, and to any eligible youth under 19  
33 years of age, as provided in Section 11403, under all of the  
34 following conditions:

35 (a) The child satisfies both of the following requirements:

36 (1) He or she has been removed from his or her home pursuant  
37 to a voluntary placement agreement, or as a result of judicial  
38 determination, including being adjudged a dependent child of the  
39 court, pursuant to Section 300, or a ward of the court, pursuant to

1 Section 601 or 602, to the effect that continuation in the home  
2 would be contrary to the welfare of the child.

3 (2) He or she has been eligible for federal foster care  
4 maintenance payments under Article 5 (commencing with Section  
5 11400) while residing for at least six consecutive months in the  
6 approved home of the prospective relative guardian while under  
7 the jurisdiction of the juvenile court or a voluntary placement  
8 agreement.

9 (b) Being returned to the parental home or being adopted are  
10 not appropriate permanency options for the child.

11 (c) The child demonstrates a strong attachment to the relative  
12 guardian, and the relative guardian has a strong commitment to  
13 caring permanently for the child and, with respect to the child who  
14 has attained 12 years of age, the child has been consulted regarding  
15 the kinship guardianship arrangement.

16 (d) The child has had a kinship guardianship established  
17 pursuant to Section 360 or 366.26.

18 (e) The child has had his or her dependency jurisdiction  
19 terminated pursuant to Section 366.3, or his or her wardship  
20 terminated pursuant to subdivision (d) of Section 728, concurrently  
21 or subsequently to the establishment of the kinship guardianship.

22 (f) If the conditions specified in subdivisions (a) to (e), inclusive,  
23 are met and, subsequent to the termination of dependency  
24 jurisdiction, any parent or person having an interest files with the  
25 juvenile court a petition pursuant to Section 388 to change, modify,  
26 or set aside an order of the court, Kin-GAP payments shall continue  
27 unless and until the juvenile court orders the child removed from  
28 the home of the guardian, terminates the guardianship, or maintains  
29 dependency jurisdiction after the court concludes the hearing on  
30 the petition filed under Section 388.

31 (g) A child or nonminor former dependent or ward shall be  
32 eligible for Kin-GAP payments if he or she meets one of the  
33 following age criteria:

34 (1) He or she is under 18 years of age.

35 (2) He or she is under 21 years of age and has a physical or  
36 mental disability that warrants the continuation of assistance.

37 (3) Through December 31, 2011, he or she satisfies the  
38 conditions of Section 11403, and on and after January 1, 2012, he  
39 or she satisfies the conditions of Section 11403.01.

(4) He or she satisfies the conditions as described in subdivision (h).

(h) Effective January 1, 2012, Kin-GAP payments shall continue for youths who have attained 18 years of age and are under 19 years of age, if they reached 16 years of age before the Kin-GAP negotiated agreement payments commenced, and as described in Section 10103.5. Effective January 1, 2013, Kin-GAP payments shall continue for youths who have attained 18 years of age and are under 20 years of age, if they reached 16 years of age before the Kin-GAP negotiated agreement payments commenced, and as described in Section 10103.5. Effective January 1, 2014, Kin-GAP payments shall continue for youths who have attained 18 years of age and are under 21 years of age, if they reached 16 years of age before the Kin-GAP negotiated agreement payments commenced. To be eligible for continued payments, the youth shall satisfy one or more of the conditions specified in paragraphs (1) to (5), inclusive, of subdivision (b) of Section 11403.

(i) Termination of the guardianship with a kinship guardian shall terminate eligibility for Kin-GAP, unless the conditions of Section 11403 apply. However, if a successor guardian is appointed pursuant to Section 366.3 who is also a kinship guardian, the successor guardian shall be entitled to receive Kin-GAP on behalf of the child pursuant to this article if the reason for the appointment of the successor guardian is the death or incapacity of the kinship guardian and the successor guardian is named in the kinship guardianship assistance agreement or amendment to the agreement. A new period of six months of placement with the successor guardian shall not be required if that successor guardian has been assessed pursuant to Sections 361.3 and 361.4 and the court terminates dependency jurisdiction, subject to federal approval of amendments to the state plan.

SEC. 22. Section 16002 of the Welfare and Institutions Code is amended to read:

16002. (a) (1) It is the intent of the Legislature to maintain the continuity of the family unit, and ensure the preservation and strengthening of the child's family ties by ensuring that when siblings have been removed from their home, either as a group on one occurrence or individually on separate occurrences, the siblings will be placed in foster care together, unless it has been determined that placement together is contrary to the safety or well-being of

1 any sibling. The Legislature recognizes that in order to ensure the  
2 placement of a sibling group in the same foster care placement,  
3 placement resources need to be expanded.

4 (2) It is also the intent of the Legislature to preserve and  
5 strengthen a child's sibling relationship so that when a child has  
6 been removed from his or her home and he or she has a sibling or  
7 siblings who remain in the custody of a mutual parent subject to  
8 the court's jurisdiction, the court has the authority to develop a  
9 visitation plan for the siblings, unless it has been determined that  
10 visitation is contrary to the safety or well-being of any sibling.

11 (b) The responsible local agency shall make a diligent effort in  
12 all out-of-home placements of dependent children and wards in  
13 foster care, including those with relatives, to place siblings together  
14 in the same placement, and to develop and maintain sibling  
15 relationships. If siblings are not placed together in the same home,  
16 the social worker or probation officer shall explain why the siblings  
17 are not placed together and what efforts he or she is making to  
18 place the siblings together or why making those efforts would be  
19 contrary to the safety and well-being of any of the siblings. When  
20 placement of siblings together in the same home is not possible,  
21 a diligent effort shall be made, and a case plan prepared, to provide  
22 for ongoing and frequent interaction among siblings until family  
23 reunification is achieved, or, if parental rights are terminated, as  
24 part of developing the permanent plan for the child. If the court  
25 determines by clear and convincing evidence that sibling interaction  
26 is contrary to the safety and well-being of any of the siblings, the  
27 reasons for the determination shall be noted in the court order, and  
28 interaction shall be suspended.

29 (c) When there has been a judicial suspension of sibling  
30 interaction, the reasons for the suspension shall be reviewed at  
31 each periodic review hearing pursuant to Section 366 or 727.3. In  
32 order for the suspension to continue, the court shall make a renewed  
33 finding that sibling interaction is contrary to the safety or  
34 well-being of either child. When the court determines that sibling  
35 interaction can be safely resumed, that determination shall be noted  
36 in the court order and the case plan shall be revised to provide for  
37 sibling interaction.

38 (d) If the case plan for the child has provisions for sibling  
39 interaction, the child, or his or her parent or legal guardian, shall  
40 have the right to comment on those provisions. If a person wishes

1 to assert a sibling relationship with a dependent child or ward, he  
2 or she may file a petition in the juvenile court having jurisdiction  
3 over the dependent child pursuant to subdivision (b) of Section  
4 388 or the ward in foster care pursuant to Section 778.

5 (e) If parental rights are terminated and the court orders a  
6 dependent child or ward to be placed for adoption, the county  
7 adoption agency or the State Department of Social Services shall  
8 take all of the following steps to facilitate ongoing sibling contact,  
9 except in those cases provided in subdivision (b) where the court  
10 determines by clear and convincing evidence that sibling interaction  
11 is contrary to the safety or well-being of the child:

12 (1) Include in training provided to prospective adoptive parents  
13 information about the importance of sibling relationships to the  
14 adopted child and counseling on methods for maintaining sibling  
15 relationships.

16 (2) Provide prospective adoptive parents with information about  
17 siblings of the child, except the address where the siblings of the  
18 children reside. However, this address may be disclosed by court  
19 order for good cause shown.

20 (3) Encourage prospective adoptive parents to make a plan for  
21 facilitating postadoptive contact between the child who is the  
22 subject of a petition for adoption and any siblings of this child.

23 (f) Information regarding sibling interaction, contact, or  
24 visitation that has been authorized or ordered by the court shall be  
25 provided to the foster parent, relative caretaker, or legal guardian  
26 of the child as soon as possible after the court order is made, in  
27 order to facilitate the interaction, contact, or visitation.

28 (g) As used in this section, “sibling” means a person related to  
29 the identified child by blood, adoption, or affinity through a  
30 common legal or biological parent.

31 (h) The court documentation on sibling placements required  
32 under this section shall not require the modification of existing  
33 court order forms until the Child Welfare Services/Case  
34 Management System (CWS/CMS) is implemented on a statewide  
35 basis.

36 SEC. 23. Section 16003 of the Welfare and Institutions Code  
37 is amended to read:

38 16003. (a) In order to promote the successful implementation  
39 of the statutory preference for foster care placement with a relative  
40 caretaker as set forth in Section 7950 of the Family Code, each



1 community college district with a foster care education program  
2 shall make available orientation and training, pursuant to Sections  
3 1522.44 and 1529.2 of the Health and Safety Code, to the relative  
4 or nonrelative extended family member caregiver into whose care  
5 the county has placed a foster child. The training shall include, but  
6 is not limited to, courses that cover the following:

7 (1) The role, rights, and responsibilities of a relative or  
8 nonrelative extended family member caregiver caring for a child  
9 in foster care, including the right of a foster child to have fair and  
10 equal access to all available services, placement, care, treatment,  
11 and benefits, and to not be subjected to discrimination or  
12 harassment on the basis of actual or perceived race, ethnic group  
13 identification, ancestry, national origin, color, religion, sex, sexual  
14 orientation, gender identity, mental or physical disability, or HIV  
15 status.

16 (2) An overview of the child protective system.

17 (3) The effects of child abuse and neglect on child development.

18 (4) Positive discipline and the importance of self-esteem.

19 (5) Health issues in foster care.

20 (6) Accessing education and health services that are available  
21 to foster children.

22 (7) Relationship and safety issues regarding contact with one  
23 or both of the birth parents.

24 (8) Permanency options for relative or nonrelative extended  
25 family member caregivers, including legal guardianship, the  
26 Kinship Guardianship Assistance Payment Program, and kin  
27 adoption.

28 (9) Information on resources available for those who meet  
29 eligibility criteria, including out-of-home care payments, the  
30 Medi-Cal program, in-home supportive services, and other similar  
31 resources.

32 (10) Instruction on cultural competency and sensitivity relating  
33 to, and best practices for, providing adequate care to lesbian, gay,  
34 bisexual, and transgender youth in out-of-home care.

35 (11) Basic instruction on the existing laws and procedures  
36 regarding the safety of foster youth at school and the ensuring of  
37 a harassment and violence free school environment contained in  
38 the California Student Safety and Violence Prevention Act of 2000  
39 (Article 3.6 (commencing with Section 32228) of Chapter 2 of  
40 Part 19 of Division 1 of Title 1 of the Education Code).

1 (12) Knowledge of, and skills related to, the application of the  
2 reasonable and prudent parent standard for the participation of the  
3 child in age or developmentally appropriate activities, as set forth  
4 in Section 1522.44 of the Health and Safety Code.

5 (b) In addition to training made available pursuant to subdivision  
6 (a), each community college district with a foster care education  
7 program shall make training available to a relative or nonrelative  
8 extended family member caregiver that includes, but need not be  
9 limited to, courses that cover all of the following:

10 (1) Age-appropriate child development.  
11 (2) Health issues in foster care.  
12 (3) Positive discipline and the importance of self-esteem.  
13 (4) Emancipation and independent living.  
14 (5) Accessing education and health services available to foster  
15 children.

16 (6) Relationship and safety issues regarding contact with one  
17 or both of the birth parents.

18 (7) Permanency options for relative or nonrelative extended  
19 family member caregivers, including legal guardianship, the  
20 Kinship Guardianship Assistance Payment Program, and kin  
21 adoption.

22 (8) Basic instruction on the existing laws and procedures  
23 regarding the safety of foster youth at school and the ensuring of  
24 a harassment and violence free school environment contained in  
25 the California Student Safety and Violence Prevention Act of 2000  
26 (Article 3.6 (commencing with Section 32228) of Chapter 2 of  
27 Part 19 of Division 1 of Title 1 of the Education Code).

28 (9) Knowledge of, and skills related to, the application of the  
29 reasonable and prudent parent standard for the participation of the  
30 child in age or developmentally appropriate activities, as set forth  
31 in Section 1522.44 of the Health and Safety Code.

32 (c) In addition to the requirements of subdivisions (a) and (b),  
33 each community college district with a foster care education  
34 program, in providing the orientation program, shall develop  
35 appropriate program parameters in collaboration with the counties.

36 (d) Each community college district with a foster care education  
37 program shall make every attempt to make the training and  
38 orientation programs for relative or nonrelative extended family  
39 member caregivers highly accessible in the communities in which  
40 they reside.

(e) When a child is placed with a relative or nonrelative extended family member caregiver, the county shall inform the caregiver of the availability of training and orientation programs and it is the intent of the Legislature that the county shall forward the names and addresses of relative or nonrelative extended family member caregivers to the appropriate community colleges providing the training and orientation programs.

(f) This section shall not be construed to preclude counties from developing or expanding existing training and orientation programs for foster care providers to include relative or nonrelative extended family member caregivers.

*SEC. 23.1. Section 16003 of the Welfare and Institutions Code is amended to read:*

16003. (a) In order to promote the successful implementation of the statutory preference for foster care placement with a relative ~~caretaker~~ caregiver as set forth in Section 7950 of the Family Code, each community college district with a foster care education program shall make available orientation and ~~training to~~ training, pursuant to Sections 1522.44 and 1529.2 of the Health and Safety Code, to the relative or nonrelative extended family member caregiver into whose care the county has placed a foster-child pursuant to Section 1529.2 of the Health and Safety Code, ~~including, but~~ child. The training shall include, but is not limited to, courses that cover the following:

(1) The role, rights, and responsibilities of a relative or nonrelative extended family member caregiver caring for a child in foster care, including the right of a foster child to have fair and equal access to all available services, placement, care, treatment, and benefits, and to not be subjected to discrimination or harassment on the basis of actual or perceived race, ethnic group identification, ancestry, national origin, color, religion, sex, sexual orientation, gender identity, mental or physical disability, or HIV status.

(2) An overview of the child protective system.

(3) The effects of child abuse and neglect on child development.

(4) Positive discipline and the importance of self-esteem.

(5) Health issues in foster care.

(6) Accessing education and health services that are available to foster children.

(7) Relationship and safety issues regarding contact with one or both of the birth parents.

(8) Permanency options for relative or nonrelative extended family member caregivers, including legal guardianship, the Kinship Guardianship Assistance Payment Program, and kin adoption.

(9) Information on resources available for those who meet eligibility criteria, including out-of-home care payments, the Medi-Cal program, in-home supportive services, and other similar resources.

(10) Instruction on cultural competency and sensitivity relating to, and best practices for, providing adequate care to lesbian, gay, bisexual, and transgender youth in out-of-home care.

(11) Basic instruction on the existing laws and procedures regarding the safety of foster youth at school and the ensuring of a harassment and violence free school environment contained in the California Student Safety and Violence Prevention Act of 2000 (~~Article Article~~ 3.6 (commencing with Section 32228) of Chapter 2 of Part 19 of Division 1 of Title 1 of the Education ~~Code~~ Code).

(12) *Knowledge of, and skills related to, the application of the reasonable and prudent parent standard for the participation of the child in age or developmentally appropriate activities, as set forth in Section 1522.44 of the Health and Safety Code.*

(b) In addition to training made available pursuant to subdivision (a), each community college district with a foster care education program shall make training available to a relative or nonrelative extended family member caregiver that includes, but need not be limited to, courses that cover all of the following:

~~(1) Age-appropriate child development.~~

*(1) Child and adolescent development, including sexual orientation, gender identity, and expression.*

(2) Health issues in foster care.

(3) Positive discipline and the importance of self-esteem.

(4) Emancipation and independent living.

(5) Accessing education and health services available to foster children.

(6) Relationship and safety issues regarding contact with one or both of the birth parents.

(7) Permanency options for relative or nonrelative extended family member caregivers, including legal guardianship, the

1 Kinship Guardianship Assistance Payment Program, and kin  
2 adoption.

3 (8) Basic instruction on the existing laws and procedures  
4 regarding the safety of foster youth at school and the ensuring of  
5 a harassment and violence free school environment contained in  
6 ~~the California Student Safety and Violence Prevention Act of 2000~~  
7 ~~(Article Article 3.6 (commencing with Section 32228) of Chapter~~  
8 ~~2 of Part 19 of Division 1 of Title 1 of the Education Code).~~ *Code.*

9 (9) *Knowledge of, and skills related to, the application of the*  
10 *reasonable and prudent parent standard for the participation of*  
11 *the child in age or developmentally appropriate activities, as set*  
12 *forth in Section 1522.44 of the Health and Safety Code.*

13 (c) In addition to the requirements of subdivisions (a) and (b),  
14 each community college district with a foster care education  
15 program, in providing the orientation program, shall develop  
16 appropriate program parameters in collaboration with the counties.

17 (d) Each community college district with a foster care education  
18 program shall make every attempt to make the training and  
19 orientation programs for relative or nonrelative extended family  
20 member caregivers highly accessible in the communities in which  
21 they reside.

22 (e) When a child is placed with a relative or nonrelative extended  
23 family member caregiver, the county shall inform the caregiver  
24 of the availability of training and orientation programs and it is  
25 the intent of the Legislature that the county shall forward the names  
26 and addresses of relative or nonrelative extended family member  
27 caregivers to the appropriate community colleges providing the  
28 training and orientation programs.

29 (f) This section shall not be construed to preclude counties from  
30 developing or expanding existing training and orientation programs  
31 for foster care providers to include relative or nonrelative extended  
32 family member caregivers.

33 (g) *This section shall remain in effect only until January 1, 2017,*  
34 *and as of that date is repealed, unless a later enacted statute, that*  
35 *is enacted before January 1, 2017, deletes or extends that date.*

36 SEC. 23.2. *Section 16003 of the Welfare and Institutions Code*  
37 *is amended to read:*

38 16003. (a) In order to promote the successful implementation  
39 of the statutory preference for foster care placement with a relative  
40 caretaker as set forth in Section 7950 of the Family Code, each

community college district with a foster care education program shall make available orientation and ~~training~~ *to training, pursuant to Sections 1522.44 and 1529.2 of the Health and Safety Code, to the relative or nonrelative extended family member caregiver into whose care the county has placed a foster child pursuant to Section 1529.2 of the Health and Safety Code, including, but* *child. The training shall include, but is not limited to, courses that cover the following:*

(1) The role, rights, and responsibilities of a relative or nonrelative extended family member caregiver caring for a child in foster care, including the right of a foster child to have fair and equal access to all available services, placement, care, treatment, and benefits, and to not be subjected to discrimination or harassment on the basis of actual or perceived race, ethnic group identification, ancestry, national origin, color, religion, sex, sexual orientation, gender identity, mental or physical disability, or HIV status.

(2) An overview of the child protective system.

(3) The effects of child abuse and neglect on child development.

(4) Positive discipline and the importance of self-esteem.

(5) Health issues in foster ~~care~~ *care, including, but not limited to, the information described in subdivision (d) of Section 16501.4.*

(6) Accessing education and health services that are available to foster children.

(7) Relationship and safety issues regarding contact with one or both of the birth parents.

(8) Permanency options for relative or nonrelative extended family member caregivers, including legal guardianship, the Kinship Guardianship Assistance Payment Program, and kin adoption.

(9) Information on resources available for those who meet eligibility criteria, including out-of-home care payments, the Medi-Cal program, in-home supportive services, and other similar resources.

(10) Instruction on cultural competency and sensitivity relating to, and best practices for, providing adequate care to lesbian, gay, bisexual, and transgender youth in out-of-home care.

(11) Basic instruction on the existing laws and procedures regarding the safety of foster youth at school and the ensuring of a harassment and violence free school environment contained in

1 the ~~California Student School~~ Safety and Violence Prevention Act  
2 of 2000 (Article 3.6 (commencing with Section 32228) of Chapter  
3 2 of Part 19 of Division 1 of Title 1 of the Education Code).

4 *(12) Knowledge of, and skills related to, the application of the*  
5 *reasonable and prudent parent standard for the participation of*  
6 *the child in age or developmentally appropriate activities, as set*  
7 *forth in Section 1522.44 of the Health and Safety Code.*

8 (b) In addition to training made available pursuant to subdivision  
9 (a), each community college district with a foster care education  
10 program shall make training available to a relative or nonrelative  
11 extended family member caregiver that includes, but need not be  
12 limited to, courses that cover all of the following:

- 13 (1) Age-appropriate child development.  
14 (2) Health issues in foster care, ~~care~~, including, but not limited  
15 to, the information described in subdivision (d) of Section 16501.4.  
16 (3) Positive discipline and the importance of self-esteem.  
17 (4) Emancipation and independent living.  
18 (5) Accessing education and health services available to foster  
19 children.

20 (6) Relationship and safety issues regarding contact with one  
21 or both of the birth parents.

22 (7) Permanency options for relative or nonrelative extended  
23 family member caregivers, including legal guardianship, the  
24 Kinship Guardianship Assistance Payment Program, and kin  
25 adoption.

26 (8) Basic instruction on the existing laws and procedures  
27 regarding the safety of foster youth at school and the ensuring of  
28 a harassment and violence free school environment contained in  
29 the ~~California Student School~~ Safety and Violence Prevention Act  
30 of 2000 (Article 3.6 (commencing with Section 32228) of Chapter  
31 2 of Part 19 of Division 1 of Title 1 of the Education Code).

32 *(9) Knowledge of, and skills related to, the application of the*  
33 *reasonable and prudent parent standard for the participation of*  
34 *the child in age or developmentally appropriate activities, as set*  
35 *forth in Section 1522.44 of the Health and Safety Code.*

36 (c) In addition to the requirements of subdivisions (a) and (b),  
37 each community college district with a foster care education  
38 program, in providing the orientation program, shall develop  
39 appropriate program parameters in collaboration with the counties.

(d) Each community college district with a foster care education program shall make every attempt to make the training and orientation programs for relative or nonrelative extended family member caregivers highly accessible in the communities in which they reside.

(e) When a child is placed with a relative or nonrelative extended family member caregiver, the county shall inform the caregiver of the availability of training and orientation programs and it is the intent of the Legislature that the county shall forward the names and addresses of relative or nonrelative extended family member caregivers to the appropriate community colleges providing the training and orientation programs.

(f) This section shall not be construed to preclude counties from developing or expanding existing training and orientation programs for foster care providers to include relative or nonrelative extended family member caregivers.

*SEC. 23.3. Section 16003 of the Welfare and Institutions Code is amended to read:*

16003. (a) In order to promote the successful implementation of the statutory preference for foster care placement with a relative ~~caretaker~~ caregiver as set forth in Section 7950 of the Family Code, each community college district with a foster care education program shall make available orientation and ~~training to training,~~ pursuant to Sections 1522.44 and 1529.2 of the Health and Safety Code, to the relative or nonrelative extended family member caregiver into whose care the county has placed a foster ~~child~~ pursuant to Section 1529.2 of the Health and Safety Code, ~~including, but~~ child. The training shall include, but is not limited to, courses that cover the following:

(1) The role, rights, and responsibilities of a relative or nonrelative extended family member caregiver caring for a child in foster care, including the right of a foster child to have fair and equal access to all available services, placement, care, treatment, and benefits, and to not be subjected to discrimination or harassment on the basis of actual or perceived race, ethnic group identification, ancestry, national origin, color, religion, sex, sexual orientation, gender identity, mental or physical disability, or HIV status.

(2) An overview of the child protective system.

(3) The effects of child abuse and neglect on child development.



1 (4) Positive discipline and the importance of self-esteem.

2 (5) Health issues in foster ~~care~~: *care, including, but not limited*  
3 *to, the information described in subdivision (d) of Section 16501.4.*

4 (6) Accessing education and health services that are available  
5 to foster children.

6 (7) Relationship and safety issues regarding contact with one  
7 or both of the birth parents.

8 (8) Permanency options for relative or nonrelative extended  
9 family member caregivers, including legal guardianship, the  
10 Kinship Guardianship Assistance Payment Program, and kin  
11 adoption.

12 (9) Information on resources available for those who meet  
13 eligibility criteria, including out-of-home care payments, the  
14 Medi-Cal program, in-home supportive services, and other similar  
15 resources.

16 (10) Instruction on cultural competency and sensitivity relating  
17 to, and best practices for, providing adequate care to lesbian, gay,  
18 bisexual, and transgender youth in out-of-home care.

19 (11) Basic instruction on the existing laws and procedures  
20 regarding the safety of foster youth at school and the ensuring of  
21 a harassment and violence free school environment contained in  
22 ~~the California Student Safety and Violence Prevention Act of 2000~~  
23 ~~(Article Article 3.6 (commencing with Section 32228) of Chapter~~  
24 ~~2 of Part 19 of Division 1 of Title 1 of the Education Code).~~ *Code.*

25 (12) *Knowledge of, and skills related to, the application of the*  
26 *reasonable and prudent parent standard for the participation of*  
27 *the child in age or developmentally appropriate activities, as set*  
28 *forth in Section 1522.44 of the Health and Safety Code.*

29 (b) In addition to training made available pursuant to subdivision  
30 (a), each community college district with a foster care education  
31 program shall make training available to a relative or nonrelative  
32 extended family member caregiver that includes, but need not be  
33 limited to, courses that cover all of the following:

34 ~~(1) Age-appropriate child development.~~

35 (1) *Child and adolescent development, including sexual*  
36 *orientation, gender identity, and expression.*

37 (2) Health issues in foster ~~care~~: *care, including, but not limited*  
38 *to, the information described in subdivision (d) of Section 16501.4.*

39 (3) Positive discipline and the importance of self-esteem.

40 (4) Emancipation and independent living.

1 (5) Accessing education and health services available to foster  
2 children.

3 (6) Relationship and safety issues regarding contact with one  
4 or both of the birth parents.

5 (7) Permanency options for relative or nonrelative extended  
6 family member caregivers, including legal guardianship, the  
7 Kinship Guardianship Assistance Payment Program, and kin  
8 adoption.

9 (8) Basic instruction on the existing laws and procedures  
10 regarding the safety of foster youth at school and the ensuring of  
11 a harassment and violence free school environment contained in  
12 ~~the California Student Safety and Violence Prevention Act of 2000~~  
13 ~~(Article Article 3.6 (commencing with Section 32228) of Chapter~~  
14 ~~2 of Part 19 of Division 1 of Title 1 of the Education Code).~~ Code.

15 (9) *Knowledge of, and skills related to, the application of the*  
16 *reasonable and prudent parent standard for the participation of*  
17 *the child in age or developmentally appropriate activities, as set*  
18 *forth in Section 1522.44 of the Health and Safety Code.*

19 (c) In addition to the requirements of subdivisions (a) and (b),  
20 each community college district with a foster care education  
21 program, in providing the orientation program, shall develop  
22 appropriate program parameters in collaboration with the counties.

23 (d) Each community college district with a foster care education  
24 program shall make every attempt to make the training and  
25 orientation programs for relative or nonrelative extended family  
26 member caregivers highly accessible in the communities in which  
27 they reside.

28 (e) When a child is placed with a relative or nonrelative extended  
29 family member caregiver, the county shall inform the caregiver  
30 of the availability of training and orientation programs and it is  
31 the intent of the Legislature that the county shall forward the names  
32 and addresses of relative or nonrelative extended family member  
33 caregivers to the appropriate community colleges providing the  
34 training and orientation programs.

35 (f) This section shall not be construed to preclude counties from  
36 developing or expanding existing training and orientation programs  
37 for foster care providers to include relative or nonrelative extended  
38 family member caregivers.

1     (g) *This section shall remain in effect only until January 1, 2017,*  
2     *and as of that date is repealed, unless a later enacted statute, that*  
3     *is enacted before January 1, 2017, deletes or extends that date.*

4     SEC. 24. Section 16118 of the Welfare and Institutions Code  
5     is amended to read:

6     16118. (a) The department shall establish and administer the  
7     program to be carried out by the department or the county pursuant  
8     to this chapter. The department shall adopt any regulations  
9     necessary to carry out the provisions of this chapter.

10    (b) The department shall keep the records necessary to evaluate  
11    the program's effectiveness in encouraging and promoting the  
12    adoption of children eligible for the Adoption Assistance Program.

13    (c) The department or the county responsible for providing  
14    financial aid in the amount determined in Section 16120 shall have  
15    responsibility for certifying that the child meets the eligibility  
16    criteria and for determining the amount of financial assistance  
17    needed by the child and the adopting family.

18    (d) The department shall actively seek and make maximum use  
19    of federal funds that may be available for the purposes of this  
20    chapter. In accordance with federal law, any savings realized from  
21    the change in federal funding for adoption assistance resulting  
22    from the enactment of the federal Fostering Connections to Success  
23    and Increasing Adoptions Act of 2008 (Public Law 110-351) shall  
24    be spent for the provision of foster care and adoption services, and  
25    the counties shall annually report to the department how these  
26    savings are spent, including any expenditures for postadoption  
27    services. Not less than 30 percent of these savings shall be spent  
28    on postadoption services, postguardianship services, and services  
29    to support and sustain positive permanent outcomes for children  
30    who otherwise might enter into foster care. Of that 30-percent  
31    amount, at least two-thirds shall be spent on postadoption and  
32    postguardianship services. The process for submitting this  
33    information shall be developed by the department, in consultation  
34    with counties. All gifts or grants received from private sources for  
35    the purpose of this chapter shall be used to offset public costs  
36    incurred under the program established by this chapter.

37    (e) For purposes of this chapter, the county responsible for  
38    determining the child's Adoption Assistance Program eligibility  
39    status and for providing financial aid in the amount determined in  
40    Sections 16120 and 16120.1 shall be the county that, at the time

1 of the adoptive placement, would otherwise be responsible for  
2 making a payment pursuant to Section 11450 under the CalWORKs  
3 program or Section 11461 under the Aid to Families with  
4 Dependent Children-Foster Care program if the child were not  
5 adopted. When the child has been voluntarily relinquished for  
6 adoption prior to a determination of eligibility for this payment,  
7 the responsible county shall be the county in which the  
8 relinquishing parent resides. The responsible county for all other  
9 eligible children shall be the county where the child is physically  
10 residing prior to placement with the adoptive family. The  
11 responsible county shall certify eligibility on a form prescribed by  
12 the department.

13 (f) Beginning in the 2011–12 fiscal year, and for each fiscal  
14 year thereafter, funding and expenditures for programs and  
15 activities under this section shall be in accordance with the  
16 requirements provided in Sections 30025 and 30026.5 of the  
17 Government Code.

18 SEC. 25. Section 16131 of the Welfare and Institutions Code  
19 is amended to read:

20 16131. It is the intent of the Legislature to conform state  
21 statutes to federal legislation, including the Preventing Sex  
22 Trafficking and Strengthening Families Act (Public Law 113-183)  
23 and the Adoption and Safe Families Act of 1997 (Public Law  
24 105-89), and to reinvest any incentive payments received through  
25 implementation of the federal act into the child welfare system in  
26 order to provide adoption services and other legal permanency  
27 options for children.

28 SEC. 26. Section 16131.5 of the Welfare and Institutions Code  
29 is amended to read:

30 16131.5. (a) The state shall reinvest adoption and guardianship  
31 incentive payments received through the implementation of the  
32 federal Fostering Connections to Success and Increasing Adoptions  
33 Act of 2008 (Public Law 110-351) and the Preventing Sex  
34 Trafficking and Strengthening Families Act (Public Law 113-183)  
35 into the child welfare system, in order to provide legal permanency  
36 outcomes for older children, including, but not limited to, adoption,  
37 guardianship, and reunification of children whose reunification  
38 services were previously terminated.

39 (b) The incentive payments received pursuant to subdivision  
40 (a), upon appropriation by the Legislature in the annual Budget

1 Act or another statute, shall be allocated by the State Department  
2 of Social Services to the counties, and the department for a county  
3 in which the department serves as an adoption agency, based on  
4 documented increases in legal permanency outcomes for older  
5 children achieved by each county, as determined by the department,  
6 in consultation with counties, for the purposes specified in this  
7 section.

8 (c) A county, or the department when it acts as the adoption  
9 agency for a county, shall use adoption and guardianship incentive  
10 payment funds to improve or sustain legal permanency outcomes  
11 for older children.

12 (d) Nothing in this section shall be construed to supplant funds  
13 currently being spent on programs to provide legal permanency  
14 outcomes.

15 SEC. 27. Section 16501 of the Welfare and Institutions Code  
16 is amended to read:

17 16501. (a) As used in this chapter, “child welfare services”  
18 means public social services which are directed toward the  
19 accomplishment of any or all of the following purposes: protecting  
20 and promoting the welfare of all children, including handicapped,  
21 homeless, dependent, or neglected children; preventing or  
22 remedying, or assisting in the solution of problems which may  
23 result in, the neglect, abuse, exploitation, or delinquency of  
24 children; preventing the unnecessary separation of children from  
25 their families by identifying family problems, assisting families  
26 in resolving their problems, and preventing breakup of the family  
27 where the prevention of child removal is desirable and possible;  
28 restoring to their families children who have been removed, by  
29 the provision of services to the child and the families; identifying  
30 children to be placed in suitable adoptive homes, in cases where  
31 restoration to the biological family is not possible or appropriate;  
32 and ensuring adequate care of children away from their homes, in  
33 cases where the child cannot be returned home or cannot be placed  
34 for adoption.

35 “Child welfare services” also means services provided on behalf  
36 of children alleged to be the victims of child abuse, neglect, or  
37 exploitation. The child welfare services provided on behalf of each  
38 child represent a continuum of services, including emergency  
39 response services, family preservation services, family maintenance  
40 services, family reunification services, and permanent placement

1 services, including supportive transition services. The individual  
2 child's case plan is the guiding principle in the provision of these  
3 services. The case plan shall be developed within a maximum of  
4 60 days of the initial removal of the child or of the in-person  
5 response required under subdivision (f) if the child has not been  
6 removed from his or her home, or by the date of the dispositional  
7 hearing pursuant to Section 358, whichever comes first.

8 (1) Child welfare services may include, but are not limited to,  
9 a range of service-funded activities, including case management,  
10 counseling, emergency shelter care, emergency in-home caretakers,  
11 temporary in-home caretakers, respite care, therapeutic day  
12 services, teaching and demonstrating homemakers, parenting  
13 training, substance abuse testing, and transportation. These  
14 service-funded activities shall be available to children and their  
15 families in all phases of the child welfare program in accordance  
16 with the child's case plan and departmental regulations. Funding  
17 for services is limited to the amount appropriated in the annual  
18 Budget Act and other available county funds.

19 (2) Service-funded activities to be provided may be determined  
20 by each county, based upon individual child and family needs as  
21 reflected in the service plan.

22 (3) As used in this chapter, "emergency shelter care" means  
23 emergency shelter provided to children who have been removed  
24 pursuant to Section 300 from their parent or parents or their  
25 guardian or guardians. The department may establish, by  
26 regulation, the time periods for which emergency shelter care shall  
27 be funded. For the purposes of this paragraph, "emergency shelter  
28 care" may include "transitional shelter care facilities" as defined  
29 in paragraph (11) of subdivision (a) of Section 1502 of the Health  
30 and Safety Code.

31 (b) As used in this chapter, "respite care" means temporary care  
32 for periods not to exceed 72 hours. This care may be provided to  
33 the child's parents or guardians. This care shall not be limited by  
34 regulation to care over 24 hours. These services shall not be  
35 provided for the purpose of routine, ongoing child care.

36 (c) The county shall provide child welfare services as needed  
37 pursuant to an approved service plan and in accordance with  
38 regulations promulgated, in consultation with the counties, by the  
39 department. Counties may contract for service-funded activities  
40 as defined in paragraph (1) of subdivision (a). Each county shall

1 use available private child welfare resources prior to developing  
2 new county-operated resources when the private child welfare  
3 resources are of at least equal quality and lesser or equal cost as  
4 compared with county-operated resources. Counties shall not  
5 contract for needs assessment, client eligibility determination, or  
6 any other activity as specified by regulations of the State  
7 Department of Social Services, except as specifically authorized  
8 in Section 16100.

9 (d) Nothing in this chapter shall be construed to affect duties  
10 which are delegated to probation officers pursuant to Sections 601  
11 and 654.

12 (e) Any county may utilize volunteer individuals to supplement  
13 professional child welfare services by providing ancillary support  
14 services in accordance with regulations adopted by the State  
15 Department of Social Services.

16 (f) As used in this chapter, emergency response services consist  
17 of a response system providing in-person response, 24 hours a day,  
18 seven days a week, to reports of abuse, neglect, or exploitation, as  
19 required by Article 2.5 (commencing with Section 11164) of  
20 Chapter 2 of Title 1 of Part 4 of the Penal Code for the purpose of  
21 investigation pursuant to Section 11166 of the Penal Code and to  
22 determine the necessity for providing initial intake services and  
23 crisis intervention to maintain the child safely in his or her own  
24 home or to protect the safety of the child. County welfare  
25 departments shall respond to any report of imminent danger to a  
26 child immediately and all other reports within 10 calendar days.  
27 An in-person response is not required when the county welfare  
28 department, based upon an evaluation of risk, determines that an  
29 in-person response is not appropriate. This evaluation includes  
30 collateral, contacts, a review of previous referrals, and other  
31 relevant information, as indicated.

32 (g) As used in this chapter, family maintenance services are  
33 activities designed to provide in-home protective services to  
34 prevent or remedy neglect, abuse, or exploitation, for the purposes  
35 of preventing separation of children from their families.

36 (h) As used in this chapter, family reunification services are  
37 activities designed to provide time-limited foster care services to  
38 prevent or remedy neglect, abuse, or exploitation, when the child  
39 cannot safely remain at home, and needs temporary foster care,  
40 while services are provided to reunite the family.

(i) (1) As used in this chapter, permanent placement services are activities designed to provide an alternate permanent family structure for children who because of abuse, neglect, or exploitation cannot safely remain at home and who are unlikely to ever return home. These services shall be provided on behalf of children for whom there has been a judicial determination of a permanent plan for adoption, legal guardianship, placement with a fit and willing relative, or continued foster care placement, and, as needed, shall include supportive transition services to nonminor dependents, as described in subdivision (v) of Section 11400.

(2) For purposes of this section, “another planned permanent living arrangement” means a permanent plan ordered by the court for a child 16 years of age or older or a nonminor dependent, when there is a compelling reason or reasons to determine that it is not in the best interest of the child or nonminor dependent to return home, be placed for adoption, be placed for tribal customary adoption in the case of an Indian child, or be placed with a fit and willing relative. Placement in a group home, or, on and after January 1, 2017, a short-term residential treatment facility, shall not be the identified permanent plan for any child or nonminor dependent.

(j) As used in this chapter, family preservation services include those services specified in Section 16500.5 to avoid or limit out-of-home placement of children, and may include those services specified in that section to place children in the least restrictive environment possible.

(k) (1) (A) In any county electing to implement this subdivision, all county welfare department employees who have frequent and routine contact with children shall, by February 1, 1997, and all welfare department employees who are expected to have frequent and routine contact with children and who are hired on or after January 1, 1996, and all such employees whose duties change after January 1, 1996, to include frequent and routine contact with children, shall, if the employees provide services to children who are alleged victims of abuse, neglect, or exploitation, sign a declaration under penalty of perjury regarding any prior criminal conviction, and shall provide a set of fingerprints to the county welfare director.

(B) The county welfare director shall secure from the Department of Justice a criminal record to determine whether the



1 employee has ever been convicted of a crime other than a minor  
2 traffic violation. The Department of Justice shall deliver the  
3 criminal record to the county welfare director.

4 (C) If it is found that the employee has been convicted of a  
5 crime, other than a minor traffic violation, the county welfare  
6 director shall determine whether there is substantial and convincing  
7 evidence to support a reasonable belief that the employee is of  
8 good character so as to justify frequent and routine contact with  
9 children.

10 (D) No exemption shall be granted pursuant to subparagraph  
11 (C) if the person has been convicted of a sex offense against a  
12 minor, or has been convicted of an offense specified in Section  
13 220, 243.4, 264.1, 273d, 288, or 289 of the Penal Code, or in  
14 paragraph (1) of Section 273a of, or subdivision (a) or (b) of  
15 Section 368 of, the Penal Code, or has been convicted of an offense  
16 specified in subdivision (c) of Section 667.5 of the Penal Code.  
17 The county welfare director shall suspend such a person from any  
18 duties involving frequent and routine contact with children.

19 (E) Notwithstanding subparagraph (D), the county welfare  
20 director may grant an exemption if the employee or prospective  
21 employee, who was convicted of a crime against an individual  
22 specified in paragraph (1) or (7) of subdivision (c) of Section 667.5  
23 of the Penal Code, has been rehabilitated as provided in Section  
24 4852.03 of the Penal Code and has maintained the conduct required  
25 in Section 4852.05 of the Penal Code for at least 10 years and has  
26 the recommendation of the district attorney representing the  
27 employee's or prospective employee's county of residence, or if  
28 the employee or prospective employee has received a certificate  
29 of rehabilitation pursuant to Chapter 3.5 (commencing with Section  
30 4852.01) of Title 6 of Part 3 of the Penal Code. In that case, the  
31 county welfare director may give the employee or prospective  
32 employee an opportunity to explain the conviction and shall  
33 consider that explanation in the evaluation of the criminal  
34 conviction record.

35 (F) If no criminal record information has been recorded, the  
36 county welfare director shall cause a statement of that fact to be  
37 included in that person's personnel file.

38 (2) For purposes of this subdivision, a conviction means a plea  
39 or verdict of guilty or a conviction following a plea of nolo  
40 contendere. Any action which the county welfare director is

1 permitted to take following the establishment of a conviction may  
2 be taken when the time for appeal has elapsed, or the judgment of  
3 conviction has been affirmed on appeal or when an order granting  
4 probation is made suspending the imposition of sentence,  
5 notwithstanding a subsequent order pursuant to Sections 1203.4  
6 and 1203.4a of the Penal Code permitting the person to withdraw  
7 his or her plea of guilty and to enter a plea of not guilty, or setting  
8 aside the verdict of guilty, or dismissing the accusation,  
9 information, or indictment. For purposes of this subdivision, the  
10 record of a conviction, or a copy thereof certified by the clerk of  
11 the court or by a judge of the court in which the conviction  
12 occurred, shall be conclusive evidence of the conviction.

13 *SEC. 27.5. Section 16501 of the Welfare and Institutions Code*  
14 *is amended to read:*

15 16501. (a) (1) As used in this chapter, “child welfare services”  
16 means public social services ~~which~~ *that* are directed toward the  
17 accomplishment of any or all of the following purposes: protecting  
18 and promoting the welfare of all children, including ~~handicapped,~~  
19 *disabled*, homeless, dependent, or neglected children; preventing  
20 or remedying, or assisting in the solution of problems which may  
21 result in, the neglect, abuse, exploitation, or delinquency of  
22 children; preventing the unnecessary separation of children from  
23 their families by identifying family problems, assisting families  
24 in resolving their problems, and preventing breakup of the family  
25 where the prevention of child removal is desirable and possible;  
26 restoring to their families children who have been removed, by  
27 the provision of services to the child and the families; identifying  
28 children to be placed in suitable adoptive homes, in cases where  
29 restoration to the biological family is not possible or appropriate;  
30 and ensuring adequate care of children away from their homes, in  
31 cases where the child cannot be returned home or cannot be placed  
32 for adoption.

33 “~~Child~~

34 (2) “*Child* welfare services” also means services provided on  
35 behalf of children alleged to be the victims of child abuse, neglect,  
36 or exploitation. The child welfare services provided on behalf of  
37 each child represent a continuum of services, including emergency  
38 response services, family preservation services, family maintenance  
39 services, family reunification services, and permanent placement  
40 services, including supportive transition services. The individual

1 child's case plan is the guiding principle in the provision of these  
2 services. The case plan shall be developed within a maximum of  
3 60 days of the initial removal of the child or of the in-person  
4 response required under subdivision (f) if the child has not been  
5 removed from his or her home, or by the date of the dispositional  
6 hearing pursuant to Section 358, whichever comes first.

7 (3) *"Child welfare services" are best provided in a framework*  
8 *that integrates service planning and delivery among multiple*  
9 *service systems, including the mental health system, using a*  
10 *team-based approach, such as a child and family team. A child*  
11 *and family team brings together individuals that engage with the*  
12 *child or youth and family in assessing, planning, and delivering*  
13 *services consistent with paragraph (1) of subdivision (d) of Section*  
14 *16501.1. Use of a team approach increases efficiency, and thus*  
15 *reduces cost, by increasing coordination of formal services and*  
16 *integrating the natural and informal supports available to the child*  
17 *or youth and family.*

18 (4) *"Child and family team" means a group of individuals who*  
19 *are convened by the placing agency and who are engaged through*  
20 *a variety of team-based processes to identify the strengths and*  
21 *needs of the child or youth and his or her family, and to help*  
22 *achieve positive outcomes for safety, permanency, and well-being.*

23 (A) *The activities of the team shall include, but not be limited*  
24 *to, both of the following:*

25 (i) *Providing input into the development of a child and family*  
26 *plan that is strengths-based, needs-driven, and culturally relevant.*

27 (ii) *Providing input into the placement decision made by the*  
28 *placing agency and the services to be provided in order to support*  
29 *the child or youth.*

30 (B) *The child and family team process shall engage the child*  
31 *or youth, the child's family, and other people important to the*  
32 *family or to the child or youth in meeting the objectives set forth*  
33 *in subparagraph (A). The child and family team shall also include*  
34 *representatives who provide formal supports to the child or youth*  
35 *and family when appropriate, including, but not limited to, the*  
36 *caregiver, the placing agency caseworker, a representative from*  
37 *a foster family agency or short-term residential treatment center*  
38 *with which a child or youth is placed, a county mental health*  
39 *representative, a representative from the regional center when the*  
40 *child is eligible for regional center service, and a representative*

1 *of the child's or youth's tribe or Indian custodian, as applicable.*  
2 *As appropriate, the child and family team also may include other*  
3 *formal supports, such as substance use disorder treatment*  
4 *professionals and educational professionals, providing services*  
5 *to the child or youth and family. For purposes of this definition,*  
6 *the child and family team also may include extended family and*  
7 *informal support persons, such as friends, coaches, faith-based*  
8 *connections, and tribes as identified by the child or youth and*  
9 *family. If placement into a short-term residential treatment center*  
10 *or a foster family agency that provides treatment services has*  
11 *occurred or is being considered, the mental health representative*  
12 *is required to be a licensed mental health professional. Any party*  
13 *to the child's case who is represented by an attorney may consult*  
14 *with his or her attorney regarding this process. The child or youth*  
15 *and his or her family may request specific persons to be included*  
16 *on the child and family team. Nothing shall preclude another*  
17 *agency serving the child or youth from convening a team in*  
18 *collaboration with the placing agency.*

19 ~~(4)~~

20 (5) Child welfare services may include, but are not limited to,  
21 a range of service-funded activities, including case management,  
22 counseling, emergency shelter care, emergency in-home caretakers,  
23 temporary in-home caretakers, respite care, therapeutic day  
24 services, teaching and demonstrating homemakers, parenting  
25 training, substance abuse testing, and transportation. These  
26 service-funded activities shall be available to children and their  
27 families in all phases of the child welfare program in accordance  
28 with the child's case plan and departmental regulations. Funding  
29 for services is limited to the amount appropriated in the annual  
30 Budget Act and other available county funds.

31 ~~(2)~~

32 (6) Service-funded activities to be provided may be determined  
33 by each county, based upon individual child and family needs as  
34 reflected in the service plan.

35 ~~(3)~~

36 (7) As used in this chapter, "emergency shelter care" means  
37 emergency shelter provided to children who have been removed  
38 pursuant to Section 300 from their parent or parents or their  
39 guardian or guardians. The department may establish, by  
40 regulation, the time periods for which emergency shelter care shall

1 be funded. For the purposes of this paragraph, “emergency shelter  
2 care” may include “transitional shelter care facilities” as defined  
3 in paragraph (11) of subdivision (a) of Section 1502 of the Health  
4 and Safety Code.

5 (b) As used in this chapter, “respite care” means temporary care  
6 for periods not to exceed ~~72 hours~~; *hours, and, in order to preserve*  
7 *the placement, may be extended up to 14 days in any one month*  
8 *pending the development of policies and regulations in consultation*  
9 *with county placing agencies and stakeholders.* This care may be  
10 provided to the child’s parents or guardians. This care shall not be  
11 limited by regulation to care over 24 hours. These services shall  
12 not be provided for the purpose of routine, ongoing child care.

13 (c) The county shall provide child welfare services as needed  
14 pursuant to an approved service plan and in accordance with  
15 regulations promulgated, in consultation with the counties, by the  
16 department. Counties may contract for service-funded activities  
17 as defined in paragraph (1) of subdivision (a). ~~Each county shall~~  
18 ~~use available private child welfare resources prior to developing~~  
19 ~~new county-operated resources when the private child welfare~~  
20 ~~resources are of at least equal quality and lesser or equal cost as~~  
21 ~~compared with county-operated resources.~~ Counties shall not  
22 contract for needs assessment, client eligibility determination, or  
23 any other activity as specified by regulations of the State  
24 Department of Social Services, except as specifically authorized  
25 in Section 16100.

26 (d) Nothing in this chapter shall be construed to affect duties  
27 which are delegated to probation officers pursuant to Sections 601  
28 and 654.

29 (e) Any county may utilize volunteer individuals to supplement  
30 professional child welfare services by providing ancillary support  
31 services in accordance with regulations adopted by the State  
32 Department of Social Services.

33 (f) As used in this chapter, emergency response services consist  
34 of a response system providing in-person response, 24 hours a day,  
35 seven days a week, to reports of abuse, neglect, or exploitation, as  
36 required by Article 2.5 (commencing with Section 11164) of  
37 Chapter 2 of Title 1 of Part 4 of the Penal Code for the purpose of  
38 investigation pursuant to Section 11166 of the Penal Code and to  
39 determine the necessity for providing initial intake services and  
40 crisis intervention to maintain the child safely in his or her own

1 home or to protect the safety of the child. County welfare  
2 departments shall respond to any report of imminent danger to a  
3 child immediately and all other reports within 10 calendar days.  
4 An in-person response is not required when the county welfare  
5 department, based upon an evaluation of risk, determines that an  
6 in-person response is not appropriate. This evaluation includes  
7 collateral, contacts, a review of previous referrals, and other  
8 relevant information, as indicated.

9 (g) As used in this chapter, family maintenance services are  
10 activities designed to provide in-home protective services to  
11 prevent or remedy neglect, abuse, or exploitation, for the purposes  
12 of preventing separation of children from their families.

13 (h) As used in this chapter, family reunification services are  
14 activities designed to provide time-limited foster care services to  
15 prevent or remedy neglect, abuse, or exploitation, when the child  
16 cannot safely remain at home, and needs temporary foster care,  
17 while services are provided to reunite the family.

18 (i) (1) As used in this chapter, permanent placement services  
19 are activities designed to provide an alternate permanent family  
20 structure for children who because of abuse, neglect, or exploitation  
21 cannot safely remain at home and who are unlikely to ever return  
22 home. These services shall be provided on behalf of children for  
23 whom there has been a judicial determination of a permanent plan  
24 for adoption, legal guardianship, ~~or long-term foster care,~~  
25 *placement with a fit and willing relative, or continued foster care*  
26 *placement*, and, as needed, shall include supportive transition  
27 services to nonminor dependents, as described in subdivision (v)  
28 of Section 11400.

29 (2) *For purposes of this section, “another planned permanent*  
30 *living arrangement” means a permanent plan ordered by the court*  
31 *for a child 16 years of age or older or a nonminor dependent, when*  
32 *there is a compelling reason or reasons to determine that it is not*  
33 *in the best interest of the child or nonminor dependent to return*  
34 *home, be placed for adoption, be placed for tribal customary*  
35 *adoption in the case of an Indian child, or be placed with a fit and*  
36 *willing relative. Placement in a group home, or, on and after*  
37 *January 1, 2017, a short-term residential treatment facility, shall*  
38 *not be the identified permanent plan for any child or nonminor*  
39 *dependent.*

1 (j) As used in this chapter, family preservation services include  
2 those services specified in Section 16500.5 to avoid or limit  
3 out-of-home placement of children, and may include those services  
4 specified in that section to place children in the least restrictive  
5 environment possible.

6 (k) (1) (A) In any county electing to implement this  
7 subdivision, all county welfare department employees who have  
8 frequent and routine contact with children shall, by February 1,  
9 1997, and all welfare department employees who are expected to  
10 have frequent and routine contact with children and who are hired  
11 on or after January 1, 1996, and all such employees whose duties  
12 change after January 1, 1996, to include frequent and routine  
13 contact with children, shall, if the employees provide services to  
14 children who are alleged victims of abuse, neglect, or exploitation,  
15 sign a declaration under penalty of perjury regarding any prior  
16 criminal conviction, and shall provide a set of fingerprints to the  
17 county welfare director.

18 (B) The county welfare director shall secure from the  
19 Department of Justice a criminal record to determine whether the  
20 employee has ever been convicted of a crime other than a minor  
21 traffic violation. The Department of Justice shall deliver the  
22 criminal record to the county welfare director.

23 (C) If it is found that the employee has been convicted of a  
24 crime, other than a minor traffic violation, the county welfare  
25 director shall determine whether there is substantial and convincing  
26 evidence to support a reasonable belief that the employee is of  
27 good character so as to justify frequent and routine contact with  
28 children.

29 (D) No exemption shall be granted pursuant to subparagraph  
30 (C) if the person has been convicted of a sex offense against a  
31 minor, or has been convicted of an offense specified in Section  
32 220, 243.4, 264.1, 273d, 288, or 289 of the Penal Code, or in  
33 paragraph (1) of Section 273a of, or subdivision (a) or (b) of  
34 Section 368 of, the Penal Code, or has been convicted of an offense  
35 specified in subdivision (c) of Section 667.5 of the Penal Code.  
36 The county welfare director shall suspend such a person from any  
37 duties involving frequent and routine contact with children.

38 (E) Notwithstanding subparagraph (D), the county welfare  
39 director may grant an exemption if the employee or prospective  
40 employee, who was convicted of a crime against an individual

1 specified in paragraph (1) or (7) of subdivision (c) of Section 667.5  
2 of the Penal Code, has been rehabilitated as provided in Section  
3 4852.03 of the Penal Code and has maintained the conduct required  
4 in Section 4852.05 of the Penal Code for at least 10 years and has  
5 the recommendation of the district attorney representing the  
6 employee's or prospective employee's county of residence, or if  
7 the employee or prospective employee has received a certificate  
8 of rehabilitation pursuant to Chapter 3.5 (commencing with Section  
9 4852.01) of Title 6 of Part 3 of the Penal Code. In that case, the  
10 county welfare director may give the employee or prospective  
11 employee an opportunity to explain the conviction and shall  
12 consider that explanation in the evaluation of the criminal  
13 conviction record.

14 (F) If no criminal record information has been recorded, the  
15 county welfare director shall cause a statement of that fact to be  
16 included in that person's personnel file.

17 (2) For purposes of this subdivision, a conviction means a plea  
18 or verdict of guilty or a conviction following a plea of nolo  
19 contendere. Any action ~~which~~ *that* the county welfare director is  
20 permitted to take following the establishment of a conviction may  
21 be taken when the time for appeal has elapsed, or the judgment of  
22 conviction has been affirmed on appeal or when an order granting  
23 probation is made suspending the imposition of sentence,  
24 notwithstanding a subsequent order pursuant to Sections 1203.4  
25 and 1203.4a of the Penal Code permitting the person to withdraw  
26 his or her plea of guilty and to enter a plea of not guilty, or setting  
27 aside the verdict of guilty, or dismissing the accusation,  
28 information, or indictment. For purposes of this subdivision, the  
29 record of a conviction, or a copy thereof certified by the clerk of  
30 the court or by a judge of the court in which the conviction  
31 occurred, shall be conclusive evidence of the conviction.

32 SEC. 28. Section 16501.1 of the Welfare and Institutions Code  
33 is amended to read:

34 16501.1. (a) (1) The Legislature finds and declares that the  
35 foundation and central unifying tool in child welfare services is  
36 the case plan.

37 (2) The Legislature further finds and declares that a case plan  
38 ensures that the child receives protection and safe and proper care  
39 and case management, and that services are provided to the child  
40 and parents or other caretakers, as appropriate, in order to improve



1 conditions in the parent's home, to facilitate the safe return of the  
2 child to a safe home or the permanent placement of the child, and  
3 to address the needs of the child while in foster care.

4 (b) (1) A case plan shall be based upon the principles of this  
5 section and shall document that a preplacement assessment of the  
6 service needs of the child and family, and preplacement preventive  
7 services, have been provided, and that reasonable efforts to prevent  
8 out-of-home placement have been made.

9 (2) In determining the reasonable services to be offered or  
10 provided, the child's health and safety shall be the paramount  
11 concerns.

12 (3) Upon a determination pursuant to paragraph (1) of  
13 subdivision (e) of Section 361.5 that reasonable services will be  
14 offered to a parent who is incarcerated in a county jail or state  
15 prison, detained by the United States Department of Homeland  
16 Security, or deported to his or her country of origin, the case plan  
17 shall include information, to the extent possible, about a parent's  
18 incarceration in a county jail or the state prison, detention by the  
19 United States Department of Homeland Security, or deportation  
20 during the time that a minor child of that parent is involved in  
21 dependency care.

22 (4) Reasonable services shall be offered or provided to make it  
23 possible for a child to return to a safe home environment, unless,  
24 pursuant to subdivisions (b) and (e) of Section 361.5, the court  
25 determines that reunification services shall not be provided.

26 (5) If reasonable services are not ordered, or are terminated,  
27 reasonable efforts shall be made to place the child in a timely  
28 manner in accordance with the permanent plan and to complete  
29 all steps necessary to finalize the permanent placement of the child.

30 (c) (1) If out-of-home placement is used to attain case plan  
31 goals, the case plan shall include a description of the type of home  
32 or institution in which the child is to be placed, and the reasons  
33 for that placement decision. The decision regarding choice of  
34 placement shall be based upon selection of a safe setting that is  
35 the least restrictive or most familylike and the most appropriate  
36 setting that is available and in close proximity to the parent's home,  
37 proximity to the child's school, and consistent with the selection  
38 of the environment best suited to meet the child's special needs  
39 and best interests. The selection shall consider, in order of priority,  
40 placement with relatives, nonrelated extended family members,

1 tribal members, and foster family homes, certified homes of foster  
2 family agencies, intensive treatment or multidimensional treatment  
3 foster care homes, group care placements, such as group homes  
4 and community treatment facilities, and residential treatment  
5 pursuant to Section 7950 of the Family Code.

6 (2) If a group care placement is selected for a child, the case  
7 plan shall indicate the needs of the child that necessitate this  
8 placement, the plan for transitioning the child to a less restrictive  
9 environment, and the projected timeline by which the child will  
10 be transitioned to a less restrictive environment. This section of  
11 the case plan shall be reviewed and updated at least semiannually.

12 (3) On or after January 1, 2012, for a nonminor dependent, as  
13 defined in subdivision (v) of Section 11400, who is receiving  
14 AFDC-FC benefits up to 21 years of age pursuant to Section 11403,  
15 in addition to the above requirements, the selection of the  
16 placement, including a supervised independent living placement,  
17 as described in subdivision (w) of Section 11400, shall also be  
18 based upon the developmental needs of young adults by providing  
19 opportunities to have incremental responsibilities that prepare a  
20 nonminor dependent to transition to successful adulthood. If  
21 admission to, or continuation in, a group home placement is being  
22 considered for a nonminor dependent, the group home placement  
23 approval decision shall include a youth-driven, team-based case  
24 planning process, as defined by the department, in consultation  
25 with stakeholders. The case plan shall consider the full range of  
26 placement options, and shall specify why admission to, or  
27 continuation in, a group home placement is the best alternative  
28 available at the time to meet the special needs or well-being of the  
29 nonminor dependent, and how the placement will contribute to the  
30 nonminor dependent's transition to successful adulthood. The case  
31 plan shall specify the treatment strategies that will be used to  
32 prepare the nonminor dependent for discharge to a less restrictive  
33 and more familylike setting, including a target date for discharge  
34 from the group home placement. The placement shall be reviewed  
35 and updated on a regular, periodic basis to ensure that continuation  
36 in the group home remains in the best interests of the nonminor  
37 dependent and that progress is being made in achieving case plan  
38 goals leading to successful adulthood. The group home placement  
39 planning process shall begin as soon as it becomes clear to the  
40 county welfare department or probation office that a foster child

1 in group home placement is likely to remain in group home  
2 placement on his or her 18th birthday, in order to expedite the  
3 transition to a less restrictive and more familylike setting if he or  
4 she becomes a nonminor dependent. The case planning process  
5 shall include informing the youth of all of his or her options,  
6 including, but not limited to, admission to or continuation in a  
7 group home placement. Consideration for continuation of existing  
8 group home placement for a nonminor dependent under 19 years  
9 of age may include the need to stay in the same placement in order  
10 to complete high school. After a nonminor dependent either  
11 completes high school or attains his or her 19th birthday, whichever  
12 is earlier, continuation in or admission to a group home is  
13 prohibited unless the nonminor dependent satisfies the conditions  
14 of paragraph (5) of subdivision (b) of Section 11403, and group  
15 home placement functions as a short-term transition to the  
16 appropriate system of care. Treatment services provided by the  
17 group home placement to the nonminor dependent to alleviate or  
18 ameliorate the medical condition, as described in paragraph (5) of  
19 subdivision (b) of Section 11403, shall not constitute the sole basis  
20 to disqualify a nonminor dependent from the group home  
21 placement.

22 (4) In addition to the requirements of paragraphs (1) to (3),  
23 inclusive, and taking into account other statutory considerations  
24 regarding placement, the selection of the most appropriate home  
25 that will meet the child's special needs and best interests shall also  
26 promote educational stability by taking into consideration  
27 proximity to the child's school of origin, and school attendance  
28 area, the number of school transfers the child has previously  
29 experienced, and the child's school matriculation schedule, in  
30 addition to other indicators of educational stability that the  
31 Legislature hereby encourages the State Department of Social  
32 Services and the State Department of Education to develop.

33 (d) A written case plan shall be completed within a maximum  
34 of 60 days of the initial removal of the child or of the in-person  
35 response required under subdivision (f) of Section 16501 if the  
36 child has not been removed from his or her home, or by the date  
37 of the dispositional hearing pursuant to Section 358, whichever  
38 occurs first. The case plan shall be updated, as the service needs  
39 of the child and family dictate. At a minimum, the case plan shall  
40 be updated in conjunction with each status review hearing

1 conducted pursuant to Sections 364, 366, 366.3, and 366.31, and  
2 the hearing conducted pursuant to Section 366.26, but no less  
3 frequently than once every six months. Each updated case plan  
4 shall include a description of the services that have been provided  
5 to the child under the plan and an evaluation of the appropriateness  
6 and effectiveness of those services.

7 (1) It is the intent of the Legislature that extending the maximum  
8 time available for preparing a written case plan from 30 to 60 days  
9 will afford caseworkers time to actively engage families, and to  
10 solicit and integrate into the case plan the input of the child and  
11 the child's family, as well as the input of relatives and other  
12 interested parties.

13 (2) The extension of the maximum time available for preparing  
14 a written case plan from the 30 to 60 days shall be effective 90  
15 days after the date that the department gives counties written notice  
16 that necessary changes have been made to the Child Welfare  
17 Services/Case Management System (CWS/CMS) to account for  
18 the 60-day timeframe for preparing a written case plan.

19 (e) The child welfare services case plan shall be comprehensive  
20 enough to meet the juvenile court dependency proceedings  
21 requirements pursuant to Article 6 (commencing with Section 300)  
22 of Chapter 2 of Part 1 of Division 2.

23 (f) The case plan shall be developed as follows:

24 (1) The case plan shall be based upon an assessment of the  
25 circumstances that required child welfare services intervention.  
26 The child shall be involved in developing the case plan as age and  
27 developmentally appropriate.

28 (2) The case plan shall identify specific goals and the  
29 appropriateness of the planned services in meeting those goals.

30 (3) The case plan shall identify the original allegations of abuse  
31 or neglect, as defined in Article 2.5 (commencing with Section  
32 11164) of Chapter 2 of Title 1 of Part 4 of the Penal Code, or the  
33 conditions cited as the basis for declaring the child a dependent of  
34 the court pursuant to Section 300, or all of these, and the other  
35 precipitating incidents that led to child welfare services  
36 intervention.

37 (4) The case plan shall include a description of the schedule of  
38 the placement agency contacts with the child and the family or  
39 other caretakers. The frequency of these contacts shall be in  
40 accordance with regulations adopted by the State Department of

1 Social Services. If the child has been placed in foster care out of  
2 state, the county social worker or probation officer, or a social  
3 worker or probation officer on the staff of the agency in the state  
4 in which the child has been placed, shall visit the child in a foster  
5 family home or the home of a relative, consistent with federal law  
6 and in accordance with the department's approved state plan. For  
7 children in out-of-state group home facilities, visits shall be  
8 conducted at least monthly, pursuant to Section 16516.5. At least  
9 once every six months, at the time of a regularly scheduled  
10 placement agency contact with the foster child, the child's social  
11 worker or probation officer shall inform the child of his or her  
12 rights as a foster child, as specified in Section 16001.9. The social  
13 worker or probation officer shall provide the information to the  
14 child in a manner appropriate to the age or developmental level of  
15 the child.

16 (5) (A) When out-of-home services are used, the frequency of  
17 contact between the natural parents or legal guardians and the child  
18 shall be specified in the case plan. The frequency of those contacts  
19 shall reflect overall case goals, and consider other principles  
20 outlined in this section.

21 (B) Information regarding any court-ordered visitation between  
22 the child and the natural parents or legal guardians, and the terms  
23 and conditions needed to facilitate the visits while protecting the  
24 safety of the child, shall be provided to the child's out-of-home  
25 caregiver as soon as possible after the court order is made.

26 (6) When out-of-home placement is made, the case plan shall  
27 include provisions for the development and maintenance of sibling  
28 relationships as specified in subdivisions (b), (c), and (d) of Section  
29 16002. If appropriate, when siblings who are dependents of the  
30 juvenile court are not placed together, the social worker for each  
31 child, if different, shall communicate with each of the other social  
32 workers and ensure that the child's siblings are informed of  
33 significant life events that occur within their extended family.  
34 Unless it has been determined that it is inappropriate in a particular  
35 case to keep siblings informed of significant life events that occur  
36 within the extended family, the social worker shall determine the  
37 appropriate means and setting for disclosure of this information  
38 to the child commensurate with the child's age and emotional  
39 well-being. These significant life events shall include, but shall  
40 not be limited to, the following:

1 (A) The death of an immediate relative.

2 (B) The birth of a sibling.

3 (C) Significant changes regarding a dependent child, unless the  
4 child objects to the sharing of the information with his or her  
5 siblings, including changes in placement, major medical or mental  
6 health diagnoses, treatments, or hospitalizations, arrests, and  
7 changes in the permanent plan.

8 (7) If out-of-home placement is made in a foster family home,  
9 group home, or other child care institution that is either a  
10 substantial distance from the home of the child's parent or out of  
11 state, the case plan shall specify the reasons why that placement  
12 is in the best interest of the child. When an out-of-state group home  
13 placement is recommended or made, the case plan shall, in  
14 addition, specify compliance with Section 7911.1 of the Family  
15 Code.

16 (8) Effective January 1, 2010, a case plan shall ensure the  
17 educational stability of the child while in foster care and shall  
18 include both of the following:

19 (A) An assurance that the placement takes into account the  
20 appropriateness of the current educational setting and the proximity  
21 to the school in which the child is enrolled at the time of placement.

22 (B) An assurance that the placement agency has coordinated  
23 with the person holding the right to make educational decisions  
24 for the child and appropriate local educational agencies to ensure  
25 that the child remains in the school in which the child is enrolled  
26 at the time of placement or, if remaining in that school is not in  
27 the best interests of the child, assurances by the placement agency  
28 and the local educational agency to provide immediate and  
29 appropriate enrollment in a new school and to provide all of the  
30 child's educational records to the new school.

31 (9) (A) If out-of-home services are used, or if parental rights  
32 have been terminated and the case plan is placement for adoption,  
33 the case plan shall include a recommendation regarding the  
34 appropriateness of unsupervised visitation between the child and  
35 any of the child's siblings. This recommendation shall include a  
36 statement regarding the child's and the siblings' willingness to  
37 participate in unsupervised visitation. If the case plan includes a  
38 recommendation for unsupervised sibling visitation, the plan shall  
39 also note that information necessary to accomplish this visitation  
40 has been provided to the child or to the child's siblings.

1 (B) Information regarding the schedule and frequency of the  
2 visits between the child and siblings, as well as any court-ordered  
3 terms and conditions needed to facilitate the visits while protecting  
4 the safety of the child, shall be provided to the child's out-of-home  
5 caregiver as soon as possible after the court order is made.

6 (10) If out-of-home services are used and the goal is  
7 reunification, the case plan shall describe the services to be  
8 provided to assist in reunification and the services to be provided  
9 concurrently to achieve legal permanency if efforts to reunify fail.  
10 The plan shall also consider in-state and out-of-state placements,  
11 the importance of developing and maintaining sibling relationships  
12 pursuant to Section 16002, and the desire and willingness of the  
13 caregiver to provide legal permanency for the child if reunification  
14 is unsuccessful.

15 (11) If out-of-home services are used, the child has been in care  
16 for at least 12 months, and the goal is not adoptive placement, the  
17 case plan shall include documentation of the compelling reason  
18 or reasons why termination of parental rights is not in the child's  
19 best interest. A determination completed or updated within the  
20 past 12 months by the department when it is acting as an adoption  
21 agency or by a licensed adoption agency that it is unlikely that the  
22 child will be adopted, or that one of the conditions described in  
23 paragraph (1) of subdivision (c) of Section 366.26 applies, shall  
24 be deemed a compelling reason.

25 (12) (A) Parents and legal guardians shall have an opportunity  
26 to review the case plan, and to sign it whenever possible, and then  
27 shall receive a copy of the plan. In a voluntary service or placement  
28 agreement, the parents or legal guardians shall be required to  
29 review and sign the case plan. Whenever possible, parents and  
30 legal guardians shall participate in the development of the case  
31 plan. Commencing January 1, 2012, for nonminor dependents, as  
32 defined in subdivision (v) of Section 11400, who are receiving  
33 AFDC-FC or CalWORKs assistance up to 21 years of age pursuant  
34 to Section 11403, the transitional independent living case plan, as  
35 set forth in subdivision (y) of Section 11400, shall be developed  
36 with, and signed by, the nonminor.

37 (B) Parents and legal guardians shall be advised that, pursuant  
38 to Section 1228.1 of the Evidence Code, neither their signature on  
39 the child welfare services case plan nor their acceptance of any  
40 services prescribed in the child welfare services case plan shall

1 constitute an admission of guilt or be used as evidence against the  
2 parent or legal guardian in a court of law. However, they shall also  
3 be advised that the parent's or guardian's failure to cooperate,  
4 except for good cause, in the provision of services specified in the  
5 child welfare services case plan may be used in any hearing held  
6 pursuant to Section 366.21, 366.22, or 366.25 of this code as  
7 evidence.

8 (13) A child shall be given a meaningful opportunity to  
9 participate in the development of the case plan and state his or her  
10 preference for foster care placement. A child who is 12 years of  
11 age or older and in a permanent placement shall also be given the  
12 opportunity to review the case plan, sign the case plan, and receive  
13 a copy of the case plan.

14 (14) The case plan shall be included in the court report and shall  
15 be considered by the court at the initial hearing and each review  
16 hearing. Modifications to the case plan made during the period  
17 between review hearings need not be approved by the court if the  
18 casework supervisor for that case determines that the modifications  
19 further the goals of the plan. If out-of-home services are used with  
20 the goal of family reunification, the case plan shall consider and  
21 describe the application of subdivision (b) of Section 11203.

22 (15) (A) If the case plan has as its goal for the child a permanent  
23 plan of adoption or legal guardianship, it shall include a statement  
24 of the child's wishes regarding their permanent placement plan  
25 and an assessment of those stated wishes. The agency shall also  
26 include documentation of the steps the agency is taking to find an  
27 adoptive family or other permanent living arrangements for the  
28 child; to place the child with an adoptive family, an appropriate  
29 and willing relative, or a legal guardian, and to finalize the adoption  
30 or legal guardianship. At a minimum, the documentation shall  
31 include child-specific recruitment efforts, such as the use of state,  
32 regional, and national adoption exchanges, including electronic  
33 exchange systems, when the child has been freed for adoption.  
34 Regardless of whether the child has been freed for adoption,  
35 documentation shall include a description of any barriers to  
36 achieving legal permanence and the steps the agency will take to  
37 address those barriers. If the plan is for kinship guardianship, the  
38 case plan shall document how the child meets the kinship  
39 guardianship eligibility requirements.



1 (B) When the child is 16 years of age or older and is in another  
2 planned permanent living arrangement, the case plan shall identify  
3 the intensive and ongoing efforts to return the child to the home  
4 of the parent, place the child for adoption, place the child for tribal  
5 customary adoption in the case of an Indian child, establish a legal  
6 guardianship, or place the child nonminor dependent with a fit and  
7 willing relative, as appropriate. Efforts shall include the use of  
8 technology, including social media, to find biological family  
9 members of the child.

10 (16) (A) (i) For a child who is 14 or 15 years of age, the case  
11 plan shall include a written description of the programs and services  
12 that will help the child, consistent with the child's best interests,  
13 to prepare for the transition from foster care to successful  
14 adulthood. The description may be included in the document  
15 described in subparagraph (A) of paragraph (18).

16 (ii) When appropriate, for a child who is 16 years of age or older  
17 and, commencing January 1, 2012, for a nonminor dependent, the  
18 case plan shall include the transitional independent living plan  
19 (TILP), a written description of the programs and services that  
20 will help the child, consistent with the child's best interests, to  
21 prepare for the transition from foster care to successful adulthood,  
22 and, in addition, whether the youth has an in-progress application  
23 pending for Title XVI Supplemental Security Income benefits or  
24 for Special Immigrant Juvenile Status or other applicable  
25 application for legal residency and an active dependency case is  
26 required for that application. When appropriate, for a nonminor  
27 dependent, the transitional independent living case plan, as  
28 described in subdivision (v) of Section 11400, shall include the  
29 TILP, a written description of the programs and services that will  
30 help the nonminor dependent, consistent with his or her best  
31 interests, to prepare for transition from foster care and assist the  
32 youth in meeting the eligibility criteria set forth in paragraphs (1)  
33 to (5), inclusive, of subdivision (b) of Section 11403. If applicable,  
34 the case plan shall describe the individualized supervision provided  
35 in the supervised independent living placement as defined in  
36 subdivision (w) of Section 11400. The case plan shall be developed  
37 with the child or nonminor dependent and individuals identified  
38 as important to the child or nonminor dependent, and shall include  
39 steps the agency is taking to ensure that the child or nonminor

1 dependent achieves permanence, including maintaining or  
2 obtaining permanent connections to caring and committed adults.

3 (B) During the 90-day period prior to the participant attaining  
4 18 years of age or older as the state may elect under Section  
5 475(8)(B)(iii) of the federal Social Security Act (42 U.S.C. Sec.  
6 675(8)(B)(iii)), whether during that period foster care maintenance  
7 payments are being made on the child's behalf or the child is  
8 receiving benefits or services under Section 477 of the federal  
9 Social Security Act (42 U.S.C. Sec. 677), a caseworker or other  
10 appropriate agency staff or probation officer and other  
11 representatives of the participant, as appropriate, shall provide the  
12 youth or nonminor with assistance and support in developing the  
13 written 90-day transition plan, that is personalized at the direction  
14 of the child, information as detailed as the participant elects that  
15 shall include, but not be limited to, options regarding housing,  
16 health insurance, education, local opportunities for mentors and  
17 continuing support services, and workforce supports and  
18 employment services, a power of attorney for health care, and  
19 information regarding the advance health care directive form.

20 (C) For youth 14 years of age or older, the case plan shall  
21 include documentation that a consumer credit report was requested  
22 annually from each of the three major credit reporting agencies at  
23 no charge to the youth and that any results were provided to the  
24 youth. For nonminor dependents, the case plan shall include  
25 documentation that the county assisted the nonminor dependent  
26 in obtaining his or her reports. The case plan shall include  
27 documentation of barriers, if any, to obtaining the credit reports.  
28 If the consumer credit report reveals any accounts, the case plan  
29 shall detail how the county ensured the youth received assistance  
30 with interpreting the credit report and resolving any inaccuracies,  
31 including any referrals made for the assistance.

32 (17) For youth 14 years of age or older and nonminor  
33 dependents, the case plan shall be developed in consultation with  
34 the youth. At the youth's option, the consultation may include up  
35 to two members of the case planning team who are chosen by the  
36 youth and who are not foster parents of, or caseworkers for, the  
37 youth. The agency, at any time, may reject an individual selected  
38 by the youth to be a member of the case planning team if the  
39 agency has good cause to believe that the individual would not act  
40 in the youth's best interest. One individual selected by the youth

1 to be a member of the case planning team may be designated to  
2 be the youth's adviser and advocate with respect to the application  
3 of the reasonable and prudent parent standard to the youth, as  
4 necessary.

5 (18) For youth in foster care 14 years of age and older and  
6 nonminor dependents, the case plan shall include both of the  
7 following:

8 (A) A document that describes the youth's rights with respect  
9 to education, health, visitation, and court participation, the right  
10 to be annually provided with copies of his or her credit reports at  
11 no cost while in foster care pursuant to Section 10618.6, and the  
12 right to stay safe and avoid exploitation.

13 (B) A signed acknowledgment by the youth that he or she has  
14 been provided a copy of the document and that the rights described  
15 in the document have been explained to the youth in an  
16 age-appropriate manner.

17 (19) The case plan for a child or nonminor dependent who is,  
18 or who is at risk of becoming, the victim of commercial sexual  
19 exploitation, shall document the services provided to address that  
20 issue.

21 (g) If the court finds, after considering the case plan, that  
22 unsupervised sibling visitation is appropriate and has been  
23 consented to, the court shall order that the child or the child's  
24 siblings, the child's current caregiver, and the child's prospective  
25 adoptive parents, if applicable, be provided with information  
26 necessary to accomplish this visitation. This section does not  
27 require or prohibit the social worker's facilitation, transportation,  
28 or supervision of visits between the child and his or her siblings.

29 (h) The case plan documentation on sibling placements required  
30 under this section shall not require modification of existing case  
31 plan forms until the Child Welfare Services/Case Management  
32 System (CWS/CMS) is implemented on a statewide basis.

33 (i) When a child is 10 years of age or older and has been in  
34 out-of-home placement for six months or longer, the case plan  
35 shall include an identification of individuals, other than the child's  
36 siblings, who are important to the child and actions necessary to  
37 maintain the child's relationship with those individuals, provided  
38 that those relationships are in the best interest of the child. The  
39 social worker or probation officer shall ask every child who is 10  
40 years of age or older and who has been in out-of-home placement

1 for six months or longer to identify individuals other than the  
2 child's siblings who are important to the child, and may ask any  
3 other child to provide that information, as appropriate. The social  
4 worker or probation officer shall make efforts to identify other  
5 individuals who are important to the child, consistent with the  
6 child's best interests.

7 (j) The child's caregiver shall be provided a copy of a plan  
8 outlining the child's needs and services. The nonminor dependent's  
9 caregiver shall be provided with a copy of the nonminor's TILP.

10 (k) Each county shall ensure that the total number of visits made  
11 by caseworkers on a monthly basis to children in foster care during  
12 a federal fiscal year is not less than 95 percent of the total number  
13 of those visits that would occur if each child were visited once  
14 every month while in care and that the majority of the visits occur  
15 in the residence of the child. The county child welfare and  
16 probation departments shall comply with data reporting  
17 requirements that the department deems necessary to comply with  
18 the federal Child and Family Services Improvement Act of 2006  
19 (Public Law 109-288) and the federal Child and Family Services  
20 Improvement and Innovation Act of 2011 (Public Law 112-34).

21 *SEC. 28.5. Section 16501.1 of the Welfare and Institutions*  
22 *Code is amended to read:*

23 16501.1. (a) (1) The Legislature finds and declares that the  
24 foundation and central unifying tool in child welfare services is  
25 the case plan.

26 (2) The Legislature further finds and declares that a case plan  
27 ensures that the child receives protection and safe and proper care  
28 and case management, and that services are provided to the child  
29 and parents or other caretakers, as appropriate, in order to improve  
30 conditions in the parent's home, to facilitate the safe return of the  
31 child to a safe home or the permanent placement of the child, and  
32 to address the needs of the child while in foster care.

33 ~~(b) (1) A case~~

34 (3) *The agency shall consider the recommendations of the child*  
35 *and family team, as defined in paragraph (4) of subdivision (a) of*  
36 *Section 16501, if any are available. The agency shall document*  
37 *the rationale for any inconsistencies between the case plan and*  
38 *the child and family team recommendations.*

39 (b) (1) *A case plan shall be based upon the principles of this*  
40 *section and the input from the child and family team.*

1     ~~(2) The case plan shall be based upon the principles of this~~  
2 ~~section and shall~~ document that a preplacement assessment of the  
3 service needs of the child and family, and preplacement preventive  
4 services, have been provided, and that reasonable efforts to prevent  
5 out-of-home placement have been made. *Preplacement services*  
6 *may include intensive mental health services in the home or a*  
7 *community setting and the reasonable efforts made to prevent*  
8 *out-of home placement.*

9     ~~(2)~~

10    (3) In determining the reasonable services to be offered or  
11 provided, the child's health and safety shall be the paramount  
12 concerns.

13    ~~(3)~~

14    (4) Upon a determination pursuant to paragraph (1) of  
15 subdivision (e) of Section 361.5 that reasonable services will be  
16 offered to a parent who is incarcerated in a county jail or state  
17 prison, detained by the United States Department of Homeland  
18 Security, or deported to his or her country of origin, the case plan  
19 shall include information, to the extent possible, about a parent's  
20 incarceration in a county jail or the state prison, detention by the  
21 United States Department of Homeland Security, or deportation  
22 during the time that a minor child of that parent is involved in  
23 dependency care.

24    ~~(4)~~

25    (5) Reasonable services shall be offered or provided to make it  
26 possible for a child to return to a safe home environment, unless,  
27 pursuant to subdivisions (b) and (e) of Section 361.5, the court  
28 determines that reunification services shall not be provided.

29    ~~(5)~~

30    (6) If reasonable services are not ordered, or are terminated,  
31 reasonable efforts shall be made to place the child in a timely  
32 manner in accordance with the permanent plan and to complete  
33 all steps necessary to finalize the permanent placement of the child.

34    ~~(e) (1) If out-of-home placement is used to attain case plan~~  
35 ~~goals, the case~~

36    (c) *If out-of-home placement is used to attain case plan goals,*  
37 *the case plan shall consider the recommendations of the child and*  
38 *family team.*

39    (d) (1) *The case plan shall include a description of the type of*  
40 *home or institution in which the child is to be placed, and the*

1 reasons for that placement decision. The decision regarding choice  
2 of placement shall be based upon selection of a safe setting that is  
3 the least restrictive ~~or most familylike~~ *family setting that promotes*  
4 *normal childhood experiences* and the most appropriate setting  
5 ~~that is available and in close~~ *meets the child's individual needs*  
6 *and is available, in* proximity to the parent's home, *in* proximity  
7 to the child's school, and consistent with the selection of the  
8 environment best suited to meet the child's special needs and best  
9 interests. The selection shall consider, in order of priority,  
10 placement with relatives, nonrelated extended family members,  
11 ~~and tribal members, and members;~~ foster family homes, *resource*  
12 *families, and nontreatment* certified homes of foster family  
13 ~~agencies, intensive treatment~~ *agencies; followed by treatment and*  
14 *intensive treatment certified homes of foster family agencies;* or  
15 multidimensional treatment foster care ~~homes, group care~~  
16 ~~placements, such as group homes and homes or therapeutic foster~~  
17 *care homes; group care placements in the order of short-term*  
18 *residential treatment centers, group homes, community treatment*  
19 *facilities, and out-of-state residential treatment pursuant to Section*  
20 ~~7950 of Part 5 (commencing with Section 7900) of Division 12 of~~  
21 *the Family Code.*

22 (2) ~~If a group care short-term intensive treatment center~~  
23 ~~placement is selected for a child, the case plan shall indicate the~~  
24 ~~needs of the child that necessitate this placement, the plan for~~  
25 ~~transitioning the child to a less restrictive environment, and the~~  
26 ~~projected timeline by which the child will be transitioned to a less~~  
27 ~~restrictive environment. This section of the case plan shall be~~  
28 ~~reviewed and updated at least semiannually.~~

29 (A) *The case plan for placements in a group home, or*  
30 *commencing January 1, 2017, in a short-term residential treatment*  
31 *center, shall indicate that the county has taken into consideration*  
32 *Section 16010.8.*

33 (B) *After January 1, 2017, a child and family team meeting as*  
34 *defined in Section 16501 shall be convened by the county placing*  
35 *agency for the purpose of identifying the supports and services*  
36 *needed to achieve permanency and enable the child or youth to*  
37 *be placed in the least restrictive family setting that promotes*  
38 *normal childhood experiences.*

39 (3) On or after January 1, 2012, for a nonminor dependent, as  
40 defined in subdivision (v) of Section 11400, who is receiving

1 AFDC-FC benefits up to 21 years of age pursuant to Section 11403,  
2 in addition to the above requirements, the selection of the  
3 placement, including a supervised independent living placement,  
4 as described in subdivision (w) of Section 11400, shall also be  
5 based upon the developmental needs of young adults by providing  
6 opportunities to have incremental responsibilities that prepare a  
7 nonminor dependent to transition to ~~independent living~~. *successful*  
8 *adulthood*. If admission to, or continuation in, a group home *or*  
9 *short-term residential treatment center* placement is being  
10 considered for a nonminor dependent, the group home *or*  
11 *short-term residential treatment center* placement approval decision  
12 shall include a youth-driven, team-based case planning process,  
13 as defined by the department, in consultation with stakeholders.  
14 The case plan shall consider the full range of placement options,  
15 and shall specify why admission to, or continuation in, a group  
16 home placement is the best alternative available at the time to meet  
17 the special needs or well-being of the nonminor dependent, and  
18 how the placement will contribute to the nonminor dependent's  
19 transition to ~~independent living~~. *successful adulthood*. The case  
20 plan shall specify the treatment strategies that will be used to  
21 prepare the nonminor dependent for discharge to a less restrictive  
22 ~~and more familylike setting~~, *family setting that promotes normal*  
23 *childhood experiences*, including a target date for discharge from  
24 the group home placement. The placement shall be reviewed and  
25 updated on a regular, periodic basis to ensure that continuation in  
26 the group home *placement* remains in the best interests of the  
27 nonminor dependent and that progress is being made in achieving  
28 case plan goals leading to ~~independent living~~. *successful adulthood*.  
29 The group home placement planning process shall begin as soon  
30 as it becomes clear to the county welfare department or probation  
31 office that a foster child in group home placement is likely to  
32 remain in group home placement on his or her 18th birthday, in  
33 order to expedite the transition to a less restrictive ~~and more~~  
34 ~~familylike setting~~ *family setting that promotes normal childhood*  
35 *experiences*, if he or she becomes a nonminor dependent. The case  
36 planning process shall include informing the youth of all of his or  
37 her options, including, but not limited to, admission to or  
38 continuation in a group home placement. Consideration for  
39 continuation of existing group home placement for a nonminor  
40 dependent under 19 years of age may include the need to stay in

1 the same placement in order to complete high school. After a  
2 nonminor dependent either completes high school or attains his or  
3 her 19th birthday, whichever is earlier, continuation in or admission  
4 to a group home *placement* is prohibited unless the nonminor  
5 dependent satisfies the conditions of paragraph (5) of subdivision  
6 (b) of Section 11403, and group home placement functions as a  
7 short-term transition to the appropriate system of care. Treatment  
8 services provided by the group home placement to the nonminor  
9 dependent to alleviate or ameliorate the medical condition, as  
10 described in paragraph (5) of subdivision (b) of Section 11403,  
11 shall not constitute the sole basis to disqualify a nonminor  
12 dependent from the group home placement.

13 (4) In addition to the requirements of paragraphs (1) to (3),  
14 inclusive, and taking into account other statutory considerations  
15 regarding placement, the selection of the most appropriate home  
16 that will meet the child's special needs and best interests shall also  
17 promote educational stability by taking into consideration  
18 proximity to the child's school of origin, and school attendance  
19 area, the number of school transfers the child has previously  
20 experienced, and the child's school matriculation schedule, in  
21 addition to other indicators of educational stability that the  
22 Legislature hereby encourages the State Department of Social  
23 Services and the State Department of Education to develop.

24 ~~(d)~~

25 (e) A written case plan shall be completed within a maximum  
26 of 60 days of the initial removal of the child or of the in-person  
27 response required under subdivision (f) of Section 16501 if the  
28 child has not been removed from his or her home, or by the date  
29 of the dispositional hearing pursuant to Section 358, whichever  
30 occurs first. The case plan shall be updated, as the service needs  
31 of the child and family dictate. At a minimum, the case plan shall  
32 be updated in conjunction with each status review hearing  
33 conducted pursuant to Sections 364, 366, 366.3, and 366.31, and  
34 the hearing conducted pursuant to Section 366.26, but no less  
35 frequently than once every six months. Each updated case plan  
36 shall include a description of the services that have been provided  
37 to the child under the plan and an evaluation of the appropriateness  
38 and effectiveness of those services.

39 (1) It is the intent of the Legislature that extending the maximum  
40 time available for preparing a written case plan from 30 to 60 days



1 will afford caseworkers time to actively engage families, and to  
2 solicit and integrate into the case plan the input of the child and  
3 the child's family, as well as the input of relatives and other  
4 interested parties.

5 (2) The extension of the maximum time available for preparing  
6 a written case plan from the 30 to 60 days shall be effective 90  
7 days after the date that the department gives counties written notice  
8 that necessary changes have been made to the Child Welfare  
9 ~~Services~~ *Case Services/Case Management System (CWS/CMS)* to  
10 account for the 60-day timeframe for preparing a written case plan.

11 (e)

12 (f) The child welfare services case plan shall be comprehensive  
13 enough to meet the juvenile court dependency proceedings  
14 requirements pursuant to Article 6 (commencing with Section 300)  
15 of Chapter 2 of Part 1 of Division 2.

16 (f)

17 (g) The case plan shall be developed *considering the*  
18 *recommendations of the child and family team*, as follows:

19 (1) The case plan shall be based upon an assessment of the  
20 circumstances that required child welfare services intervention.  
21 The child shall be involved in developing the case plan as age and  
22 developmentally appropriate.

23 (2) The case plan shall identify specific goals and the  
24 appropriateness of the planned services in meeting those goals.

25 (3) The case plan shall identify the original allegations of abuse  
26 or neglect, as defined in Article 2.5 (commencing with Section  
27 11164) of Chapter 2 of Title 1 of Part 4 of the Penal Code, or the  
28 conditions cited as the basis for declaring the child a dependent of  
29 the court pursuant to Section 300, or all of these, and the other  
30 precipitating incidents that led to child welfare services  
31 intervention.

32 (4) The case plan shall include a description of the schedule of  
33 the placement agency contacts with the child and the family or  
34 other caretakers. The frequency of these contacts shall be in  
35 accordance with regulations adopted by the State Department of  
36 Social Services. If the child has been placed in foster care out of  
37 state, the county social worker or probation officer, or a social  
38 worker or probation officer on the staff of the agency in the state  
39 in which the child has been placed, shall visit the child in a foster  
40 family home or the home of a relative, consistent with federal law

1 and in accordance with the department's approved state plan. For  
2 children in out-of-state group home facilities, visits shall be  
3 conducted at least monthly, pursuant to Section 16516.5. At least  
4 once every six months, at the time of a regularly scheduled  
5 placement agency contact with the foster child, the child's social  
6 worker or probation officer shall inform the child of his or her  
7 rights as a foster child, as specified in Section 16001.9. The social  
8 worker or probation officer shall provide the information to the  
9 child in a manner appropriate to the age or developmental level of  
10 the child.

11 (5) (A) When out-of-home services are used, the frequency of  
12 contact between the natural parents or legal guardians and the child  
13 shall be specified in the case plan. The frequency of those contacts  
14 shall reflect overall case goals, and consider other principles  
15 outlined in this section.

16 (B) Information regarding any court-ordered visitation between  
17 the child and the natural parents or legal guardians, and the terms  
18 and conditions needed to facilitate the visits while protecting the  
19 safety of the child, shall be provided to the child's out-of-home  
20 caregiver as soon as possible after the court order is made.

21 (6) When out-of-home placement is made, the case plan shall  
22 include provisions for the development and maintenance of sibling  
23 relationships as specified in subdivisions (b), (c), and (d) of Section  
24 16002. If appropriate, when siblings who are dependents of the  
25 juvenile court are not placed together, the social worker for each  
26 child, if different, shall communicate with each of the other social  
27 workers and ensure that the child's siblings are informed of  
28 significant life events that occur within their extended family.  
29 Unless it has been determined that it is inappropriate in a particular  
30 case to keep siblings informed of significant life events that occur  
31 within the extended family, the social worker shall determine the  
32 appropriate means and setting for disclosure of this information  
33 to the child commensurate with the child's age and emotional  
34 well-being. These significant life events shall include, but shall  
35 not be limited to, the following:

36 (A) The death of an immediate relative.

37 (B) The birth of a sibling.

38 (C) Significant changes regarding a dependent child, unless the  
39 child objects to the sharing of the information with his or her  
40 siblings, including changes in placement, major medical or mental

1 health diagnoses, treatments, or hospitalizations, arrests, and  
2 changes in the permanent plan.

3 (7) If out-of-home placement is made in a foster family home,  
4 group home, or other child care institution that is either a  
5 substantial distance from the home of the child's parent or out of  
6 state, the case plan shall specify the reasons why that placement  
7 is in the best interest of the child. When an out-of-state group home  
8 placement is recommended or made, the case plan shall, in  
9 addition, specify compliance with Section 7911.1 of the Family  
10 Code.

11 (8) ~~Effective January 1, 2010, a~~ A case plan shall ensure the  
12 educational stability of the child while in foster care and shall  
13 include both of the following:

14 (A) An assurance that the placement takes into account the  
15 appropriateness of the current educational setting and the proximity  
16 to the school in which the child is enrolled at the time of placement.

17 (B) An assurance that the placement agency has coordinated  
18 with the person holding the right to make educational decisions  
19 for the child and appropriate local educational agencies to ensure  
20 that the child remains in the school in which the child is enrolled  
21 at the time of placement or, if remaining in that school is not in  
22 the best interests of the child, assurances by the placement agency  
23 and the local educational agency to provide immediate and  
24 appropriate enrollment in a new school and to provide all of the  
25 child's educational records to the new school.

26 (9) (A) If out-of-home services are used, or if parental rights  
27 have been terminated and the case plan is placement for adoption,  
28 the case plan shall include a recommendation regarding the  
29 appropriateness of unsupervised visitation between the child and  
30 any of the child's siblings. This recommendation shall include a  
31 statement regarding the child's and the siblings' willingness to  
32 participate in unsupervised visitation. If the case plan includes a  
33 recommendation for unsupervised sibling visitation, the plan shall  
34 also note that information necessary to accomplish this visitation  
35 has been provided to the child or to the child's siblings.

36 (B) Information regarding the schedule and frequency of the  
37 visits between the child and siblings, as well as any court-ordered  
38 terms and conditions needed to facilitate the visits while protecting  
39 the safety of the child, shall be provided to the child's out-of-home  
40 caregiver as soon as possible after the court order is made.

1 (10) If out-of-home services are used and the goal is  
2 reunification, the case plan shall describe the services to be  
3 provided to assist in reunification and the services to be provided  
4 concurrently to achieve legal permanency if efforts to reunify fail.  
5 The plan shall also consider in-state and out-of-state placements,  
6 the importance of developing and maintaining sibling relationships  
7 pursuant to Section 16002, and the desire and willingness of the  
8 caregiver to provide legal permanency for the child if reunification  
9 is unsuccessful.

10 (11) If out-of-home services are used, the child has been in care  
11 for at least 12 months, and the goal is not adoptive placement, the  
12 case plan shall include documentation of the compelling reason  
13 or reasons why termination of parental rights is not in the child's  
14 best interest. A determination completed or updated within the  
15 past 12 months by the department when it is acting as an adoption  
16 agency or by a licensed adoption agency that it is unlikely that the  
17 child will be adopted, or that one of the conditions described in  
18 paragraph (1) of subdivision (c) of Section 366.26 applies, shall  
19 be deemed a compelling reason.

20 (12) (A) Parents and legal guardians shall have an opportunity  
21 to review the case plan, and to sign it whenever possible, and then  
22 shall receive a copy of the plan. In a voluntary service or placement  
23 agreement, the parents or legal guardians shall be required to  
24 review and sign the case plan. Whenever possible, parents and  
25 legal guardians shall participate in the development of the case  
26 plan. Commencing January 1, 2012, for nonminor dependents, as  
27 defined in subdivision (v) of Section 11400, who are receiving  
28 AFDC-FC or CalWORKs assistance up to 21 years of age pursuant  
29 to Section 11403, the transitional independent living case plan, as  
30 set forth in subdivision (y) of Section 11400, shall be developed  
31 with, and signed by, the nonminor.

32 (B) Parents and legal guardians shall be advised that, pursuant  
33 to Section 1228.1 of the Evidence Code, neither their signature on  
34 the child welfare services case plan nor their acceptance of any  
35 services prescribed in the child welfare services case plan shall  
36 constitute an admission of guilt or be used as evidence against the  
37 parent or legal guardian in a court of law. However, they shall also  
38 be advised that the parent's or guardian's failure to cooperate,  
39 except for good cause, in the provision of services specified in the  
40 child welfare services case plan may be used in any hearing held

pursuant to Section 366.21, 366.22, or 366.25 of this code as evidence.

(13) A child shall be given a meaningful opportunity to participate in the development of the case plan and state his or her preference for foster care placement. A child who is 12 years of age or older and in a permanent placement shall also be given the opportunity to review the case plan, sign the case plan, and receive a copy of the case plan.

(14) The case plan shall be included in the court report and shall be considered by the court at the initial hearing and each review hearing. Modifications to the case plan made during the period between review hearings need not be approved by the court if the casework supervisor for that case determines that the modifications further the goals of the plan. If out-of-home services are used with the goal of family reunification, the case plan shall consider and describe the application of subdivision (b) of Section 11203.

(15) (A) If the case plan has as its goal for the child a permanent plan of adoption or ~~placement in another permanent home, legal guardianship,~~ it shall include a statement of the child's wishes regarding their permanent placement plan and an assessment of those stated wishes. The agency shall also include documentation of the steps the agency is taking to find an adoptive family or other permanent living arrangements for the child; to place the child with an adoptive family, an appropriate and willing relative, or a legal guardian, ~~or in another planned permanent living arrangement;~~ and to finalize the adoption or legal guardianship. At a minimum, the documentation shall include child-specific recruitment efforts, such as the use of state, regional, and national adoption exchanges, including electronic exchange systems, when the child has been freed for adoption. *Regardless of whether the child has been freed for adoption, documentation shall include a description of any barriers to achieving legal permanence and the steps the agency will take to address those barriers.* If the plan is for kinship guardianship, the case plan shall document how the child meets the kinship guardianship eligibility requirements.

~~(16) (A) When~~

~~(B) When the child is 16 years of age or older and is in another planned permanent living arrangement, the case plan shall identify the intensive and ongoing efforts to return the child to the home of the parent, place the child for adoption, place the child for tribal~~

1 *customary adoption in the case of an Indian child, establish a legal*  
2 *guardianship, or place the child nonminor dependent with a fit*  
3 *and willing relative, as appropriate. Efforts shall include the use*  
4 *of technology, including social media, to find biological family*  
5 *members of the child.*

6 (16) (A) (i) *For a child who is 14 or 15 years of age, the case*  
7 *plan shall include a written description of the programs and*  
8 *services that will help the child, consistent with the child's best*  
9 *interests, to prepare for the transition from foster care to successful*  
10 *adulthood. The description may be included in the document*  
11 *described in subparagraph (A) of paragraph (18).*

12 (ii) *When appropriate, for a child who is 16 years of age or older*  
13 *and, commencing January 1, 2012, for a nonminor dependent, the*  
14 *case plan shall include the transitional independent living plan*  
15 *(TILP), a written description of the programs and services that*  
16 *will help the child, consistent with the child's best interests, to*  
17 *prepare for the transition from foster care to independent living,*  
18 *successful adulthood, and, in addition, whether the youth has an*  
19 *in-progress application pending for Title XVI Supplemental*  
20 *Security Income benefits or for Special Immigrant Juvenile Status*  
21 *or other applicable application for legal residency and an active*  
22 *dependency case is required for that application. When appropriate,*  
23 *for a nonminor dependent, the transitional independent living case*  
24 *plan, as described in subdivision (v) of Section 11400, shall include*  
25 *the TILP, a written description of the programs and services that*  
26 *will help the nonminor dependent, consistent with his or her best*  
27 *interests, to prepare for transition from foster care and assist the*  
28 *youth in meeting the eligibility criteria set forth in paragraphs (1)*  
29 *to (5), inclusive, of subdivision (b) of Section 11403. If applicable,*  
30 *the case plan shall describe the individualized supervision provided*  
31 *in the supervised independent living placement as defined in*  
32 *subdivision (w) of Section 11400. The case plan shall be developed*  
33 *with the child or nonminor dependent and individuals identified*  
34 *as important to the child or nonminor dependent, and shall include*  
35 *steps the agency is taking to ensure that the child or nonminor*  
36 *dependent achieves permanence, including maintaining or*  
37 *obtaining permanent connections to caring and committed adults.*

38 (B) *During the 90-day period prior to the participant attaining*  
39 *18 years of age or older as the state may elect under Section*  
40 *475(8)(B)(iii) of the federal Social Security Act (42 U.S.C. Sec.*

675(8)(B)(iii)), whether during that period foster care maintenance payments are being made on the child's behalf or the child is receiving benefits or services under Section 477 of the federal Social Security Act (42 U.S.C. Sec. 677), a caseworker or other appropriate agency staff or probation officer and other representatives of the participant, as appropriate, shall provide the youth or nonminor *dependent* with assistance and support in developing the written 90-day transition plan, that is personalized at the direction of the child, information as detailed as the participant elects that shall include, but not be limited to, options regarding housing, health insurance, education, local opportunities for mentors and continuing support services, and workforce supports and employment services, a power of attorney for health care, and information regarding the advance health care directive form.

(C) For youth ~~16~~ 14 years of age or older, the case plan shall include documentation that a consumer credit report was requested annually from each of the three major credit reporting agencies at no charge to the youth and that any results were provided to the youth. For nonminor dependents, the case plan shall include documentation that the county assisted the nonminor dependent in obtaining his or her reports. The case plan shall include documentation of barriers, if any, to obtaining the credit reports. If the consumer credit report reveals any accounts, the case plan shall detail how the county ensured the youth received assistance with interpreting the credit report and resolving any inaccuracies, including any referrals made for the assistance.

*(17) For youth 14 years of age or older and nonminor dependents, the case plan shall be developed in consultation with the youth. At the youth's option, the consultation may include up to two members of the case planning team who are chosen by the youth and who are not foster parents of, or caseworkers for, the youth. The agency, at any time, may reject an individual selected by the youth to be a member of the case planning team if the agency has good cause to believe that the individual would not act in the youth's best interest. One individual selected by the youth to be a member of the case planning team may be designated to be the youth's adviser and advocate with respect to the application of the reasonable and prudent parent standard to the youth, as necessary.*

1     (18) *For youth in foster care 14 years of age and older and*  
2     *nonminor dependents, the case plan shall include both of the*  
3     *following:*

4     (A) *A document that describes the youth's rights with respect*  
5     *to education, health, visitation, and court participation, the right*  
6     *to be annually provided with copies of his or her credit reports at*  
7     *no cost while in foster care pursuant to Section 10618.6, and the*  
8     *right to stay safe and avoid exploitation.*

9     (B) *A signed acknowledgment by the youth that he or she has*  
10    *been provided a copy of the document and that the rights described*  
11    *in the document have been explained to the youth in an*  
12    *age-appropriate manner.*

13    (19) *The case plan for a child or nonminor dependent who is,*  
14    *or who is at risk of becoming, the victim of commercial sexual*  
15    *exploitation, shall document the services provided to address that*  
16    *issue.*

17    ~~(g)~~

18    (h) *If the court finds, after considering the case plan, that*  
19    *unsupervised sibling visitation is appropriate and has been*  
20    *consented to, the court shall order that the child or the child's*  
21    *siblings, the child's current caregiver, and the child's prospective*  
22    *adoptive parents, if applicable, be provided with information*  
23    *necessary to accomplish this visitation. This section does not*  
24    *require or prohibit the social worker's facilitation, transportation,*  
25    *or supervision of visits between the child and his or her siblings.*

26    ~~(h)~~

27    (i) *The case plan documentation on sibling placements required*  
28    *under this section shall not require modification of existing case*  
29    *plan forms until the Child Welfare Services Case Services/Case*  
30    *Management System (CWS/CMS) is implemented on a statewide*  
31    *basis.*

32    ~~(i)~~

33    (j) *When a child is 10 years of age or older and has been in*  
34    *out-of-home placement for six months or longer, the case plan*  
35    *shall include an identification of individuals, other than the child's*  
36    *siblings, who are important to the child and actions necessary to*  
37    *maintain the child's relationship with those individuals, provided*  
38    *that those relationships are in the best interest of the child. The*  
39    *social worker or probation officer shall ask every child who is 10*  
40    *years of age or older and who has been in out-of-home placement*



1 for six months or longer to identify individuals other than the  
2 child's siblings who are important to the child, and may ask any  
3 other child to provide that information, *or may seek that*  
4 *information from the child and family team*, as appropriate. The  
5 social worker or probation officer shall make efforts to identify  
6 other individuals who are important to the child, consistent with  
7 the child's best interests.

8 ~~(j)~~

9 (k) The child's caregiver shall be provided a copy of a plan  
10 outlining the child's needs and services. The nonminor dependent's  
11 caregiver shall be provided with a copy of the nonminor's TILP.

12 ~~(k) On or before June 30, 2008, the department, in consultation~~  
13 ~~with the County Welfare Directors Association of California and~~  
14 ~~other advocates, shall develop a comprehensive plan to ensure that~~  
15 ~~90 percent of foster children are visited by their caseworkers~~

16 (l) *Each county shall ensure that the total number of visits made*  
17 *by caseworkers on a monthly basis by October 1, 2011, to children*  
18 *in foster care during a federal fiscal year is not less than 95 percent*  
19 *of the total number of those visits that would occur if each child*  
20 *were visited once every month while in care and that the majority*  
21 *of the visits occur in the residence of the child. The plan shall*  
22 *include any county child welfare and probation departments shall*  
23 *comply with data reporting requirements that the department deems*  
24 *necessary to comply with the provisions of the federal Child and*  
25 *Family Services Improvement Act of 2006 (Public Law 109-288).*  
26 *109-288) and the federal Child and Family Services Improvement*  
27 *and Innovation Act of 2011 (Public Law 112-34).*

28 ~~(l) The implementation and operation of the amendments to~~  
29 ~~subdivision (i) enacted at the 2005-06 Regular Session shall be~~  
30 ~~subject to appropriation through the budget process and by phase,~~  
31 ~~as provided in Section 366.35.~~

32 ~~SEC. 29. Section 16501.4 is added to the Welfare and~~  
33 ~~Institutions Code, to read:~~

34 ~~16501.4. (a)~~

35 *SEC. 29. Section 16501.35 is added to the Welfare and*  
36 *Institutions Code, immediately following Section 16501.3, to read:*

37 *16501.35. (a) On or before September 29, 2016, county child*  
38 *welfare agencies and probation departments shall implement*  
39 *policies and procedures that require social workers and probation*  
40 *officers to do all of the following:*

1 (1) Identify children receiving child welfare services, including  
2 dependents or wards in foster care, nonminor dependents, and  
3 youth receiving services pursuant to Section 677 of Title 42 of the  
4 United States Code, who are, or are at risk of becoming, victims  
5 of commercial sexual exploitation.

6 (2) Document individuals identified pursuant to paragraph (1)  
7 in the Child Welfare Services/Case Management System and any  
8 other agency record as determined by the county.

9 (3) Determine appropriate services for the child or youth  
10 identified pursuant to paragraph (1).

11 (4) Receive relevant training in the identification,  
12 documentation, and determination of appropriate services for any  
13 child or youth identified in paragraph (1).

14 (b) County child welfare agencies and probation departments  
15 shall develop and implement specific protocols to expeditiously  
16 locate any child missing from foster care. At a minimum, these  
17 policies shall do all of the following:

18 (1) Describe the efforts used by county child welfare or  
19 probation staff to expeditiously locate any child or nonminor  
20 dependent missing from care, including, but not limited to, the  
21 timeframe for reporting missing youth, the individuals or entities  
22 entitled to notice that a youth is missing, any required initial and  
23 ongoing efforts to locate youth, and plans to return youth to  
24 placement.

25 (2) Require the social worker or probation officer to do all of  
26 the following:

27 (A) Determine the primary factors that contributed to the child  
28 or nonminor dependent running away or otherwise being absent  
29 from care.

30 (B) Respond to factors identified in paragraph (2) in subsequent  
31 placements, to the extent possible.

32 (C) Determine the child's or nonminor dependent's experiences  
33 while absent from care.

34 (D) Determine whether the child or nonminor dependent is a  
35 possible victim of commercial sexual exploitation.

36 (E) Document the activities and information described in  
37 subparagraphs (A) to (D), inclusive, for federal reporting purposes,  
38 consistent with instructions from the department.

39 (c) In consultation with stakeholders, including, but not limited  
40 to, the County Welfare Directors Association of California, the

1 Chief Probation Officers of California, former foster youth, and  
2 child advocacy organizations, the department shall develop model  
3 policies, procedures, and protocols to assist the counties to comply  
4 with this section. In addition, the department shall consult with  
5 the California Department of Education, the State Department of  
6 Health Care Services, state and local law enforcement, and agencies  
7 with experience serving children and youth at risk of commercial  
8 sexual exploitation in the development of the model policies and  
9 procedures described in subdivision (a).

10 (d) Notwithstanding the Administrative Procedure Act (Chapter  
11 3.5 (commencing with Section 11340) of Part 1 of Division 3 of  
12 Title 2 of the Government Code), the department may implement  
13 this section through all-county letters or similar instructions until  
14 regulations are adopted.

15 SEC. 30. Section 16501.45 is added to the Welfare and  
16 Institutions Code, to read:

17 16501.45. (a) To ensure compliance with federal reporting  
18 requirements, including those of Public Law 113-183, the  
19 Preventing Sex Trafficking and Strengthening Families Act, the  
20 State Department of Social Services shall ensure that the Child  
21 Welfare Services/Case Management System is capable of collecting  
22 all of the following information:

23 (1) The number of dependent children or wards in foster care  
24 who were victims of commercial sexual exploitation before  
25 entering foster care.

26 (2) The number of dependent children or wards in foster care  
27 who became victims of commercial sexual exploitation while in  
28 foster care.

29 (3) The number of dependent children or wards in foster care  
30 who go missing, run away, or are otherwise absent from care and  
31 were commercially sexually exploited during the time away from  
32 placement.

33 (4) The number of dependent children or wards in foster care  
34 who are at risk of becoming victims of commercial sexual  
35 exploitation.

36 (5) For children in foster care placed in group homes or  
37 short-term residential treatment centers, the data identified in  
38 Section 679b(a)(7)(A) of Title 42 of the United States Code.

(6) Data regarding children and nonminor dependents in foster care who are pregnant or parenting, as required by Section 679b(a)(7)(B) of Title 42 of the United States Code.

(b) County social workers and probation officers shall collect the data identified in subdivision (a) consistent with data entry instructions provided by the department.

(c) Upon the request of the department, a county child welfare agency, county probation department, or entity operating a program pursuant to an agreement with the department under Section 10553.1, shall provide additional information or data necessary for the department to comply with federal reporting requirements.

SEC. 31. Section 16519.51 is added to the Welfare and Institutions Code, to read:

16519.51. Notwithstanding any other law, preapproval training for a resource family applicant and annual training for an approved resource family shall include training on knowledge and skills related to the application of the reasonable and prudent parent standard for the participation of the child in age or developmentally appropriate activities, as set forth in Section 1522.4 of the Health and Safety Code.

SEC. 32. (a) Sections 10.5 and 11.5 of this bill incorporate amendments to Sections 366.21 and 366.22 of the Welfare and Institutions Code proposed by both this bill and Senate Bill 68. They shall only become operative if (1) both bills are enacted and become effective on or before January 1, 2016, (2) each bill amends Sections 366.21 and 366.22 of the Welfare and Institutions Code, and (3) this bill is enacted after Senate Bill 68, in which case Sections 10 and 11 of this bill shall not become operative.

(b) Sections 17.5, 27.5, and 28.5 of this bill incorporate amendments to Sections 706.6, 16501, and 16501.1 of the Welfare and Institutions Code proposed by both this bill and Assembly Bill 403. They shall only become operative if (1) both bills are enacted and become effective on or before January 1, 2016, (2) each bill amends Sections 706.6, 16501, and 16501.1 of the Welfare and Institutions Code, and (3) this bill is enacted after Assembly Bill 403, in which case Sections 17, 27, and 28 of this bill shall not become operative.

(c) (1) Section 23.1 of this bill incorporates amendments to Section 16003 of the Welfare and Institutions Code proposed by both this bill and Assembly Bill 403. It shall only become operative

1 *if (1) both bills are enacted and become effective on or before*  
2 *January 1, 2016, (2) each bill amends Section 16003 of the Welfare*  
3 *and Institutions Code, and (3) Senate Bill 238 is not enacted or*  
4 *as enacted does not amend that section, and (4) this bill is enacted*  
5 *after Assembly Bill 403, in which case Sections 23, 23.2, and 23.3*  
6 *of this bill shall not become operative.*

7 *(2) Section 23.2 of this bill incorporates amendments to Section*  
8 *16003 of the Welfare and Institutions Code proposed by both this*  
9 *bill and Senate Bill 238. It shall only become operative if (1) both*  
10 *bills are enacted and become effective on or before January 1,*  
11 *2016, (2) each bill amends Section 16003 of the Welfare and*  
12 *Institutions Code, (3) Assembly Bill 403 is not enacted or as*  
13 *enacted does not amend that section, and (4) this bill is enacted*  
14 *after Senate Bill 238 in which case Sections 23, 23.1, and 23.3 of*  
15 *this bill shall not become operative.*

16 *(3) Section 23.3 of this bill incorporates amendments to Section*  
17 *16003 of the Welfare and Institutions Code proposed by this bill,*  
18 *Assembly Bill 403, and Senate Bill 238. It shall only become*  
19 *operative if (1) all three bills are enacted and become effective on*  
20 *or before January 1, 2016, (2) all three bills amend Section 16003*  
21 *of the Welfare and Institutions Code, and (3) this bill is enacted*  
22 *after Assembly Bill 403 and Senate Bill 238, in which case Sections*  
23 *23, 23.1, and 23.2 of this bill shall not become operative.*

24 ~~SEC. 32.~~

25 *SEC. 33. Except as required by Section 36 of Article XIII of*  
26 *the California Constitution, no reimbursement is required by this*  
27 *act pursuant to Section 6 of Article XIII B of the California*  
28 *Constitution because this act implements a federal law or regulation*  
29 *and results only in costs mandated by the federal government,*  
30 *within the meaning of Section 17556 of the Government Code.*